

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 5-10 and 20-5 as follows:

6 (5 ILCS 430/5-10)

7 Sec. 5-10. Ethics training.

8 (a) Each officer, member, and employee must complete, at
9 least annually beginning in 2004, an ethics training program
10 conducted by the appropriate State agency. Each ultimate
11 jurisdictional authority must implement an ethics training
12 program for its officers, members, and employees. These ethics
13 training programs shall be overseen by the appropriate Ethics
14 Commission and Inspector General appointed pursuant to this Act
15 in consultation with the Office of the Attorney General.

16 (b) Each ultimate jurisdictional authority subject to the
17 Executive Ethics Commission shall submit to the Executive
18 Ethics Commission, at least annually, or more frequently as
19 required by that Commission, an annual report that summarizes
20 ethics training that was completed during the previous year,
21 and lays out the plan for the ethics training programs in the
22 coming year.

23 (c) Each Inspector General shall set standards and

1 determine the hours and frequency of training necessary for
2 each position or category of positions. A person who fills a
3 vacancy in an elective or appointed position that requires
4 training and a person employed in a position that requires
5 training must complete his or her initial ethics training
6 within 30 days after commencement of his or her office or
7 employment.

8 (d) Upon completion of the ethics training program, each
9 officer, member, and employee must certify in writing that the
10 person has completed the training program. Each officer,
11 member, and employee must provide to his or her ethics officer
12 a signed copy of the certification by the deadline for
13 completion of the ethics training program.

14 (e) The ethics training provided under this Act by the
15 Secretary of State may be expanded to satisfy the requirement
16 of Section 4.5 of the Lobbyist Registration Act.

17 (f) The ethics training provided under this Act by State
18 agencies under the control of the Governor shall include the
19 requirements and duties of State officers and employees under
20 Sections 50-39, 50-40, and 50-45 of the Illinois Procurement
21 Code.

22 (Source: P.A. 96-555, eff. 8-18-09.)

23 (5 ILCS 430/20-5)

24 Sec. 20-5. Executive Ethics Commission.

25 (a) The Executive Ethics Commission is created.

1 (b) The Executive Ethics Commission shall consist of 9
2 commissioners. The Governor shall appoint 5 commissioners, and
3 the Attorney General, Secretary of State, Comptroller, and
4 Treasurer shall each appoint one commissioner. Appointments
5 shall be made by and with the advice and consent of the Senate
6 by three-fifths of the elected members concurring by record
7 vote. Any nomination not acted upon by the Senate within 60
8 session days of the receipt thereof shall be deemed to have
9 received the advice and consent of the Senate. If, during a
10 recess of the Senate, there is a vacancy in an office of
11 commissioner, the appointing authority shall make a temporary
12 appointment until the next meeting of the Senate when the
13 appointing authority shall make a nomination to fill that
14 office. No person rejected for an office of commissioner shall,
15 except by the Senate's request, be nominated again for that
16 office at the same session of the Senate or be appointed to
17 that office during a recess of that Senate. No more than 5
18 commissioners may be of the same political party.

19 The terms of the initial commissioners shall commence upon
20 qualification. Four initial appointees of the Governor, as
21 designated by the Governor, shall serve terms running through
22 June 30, 2007. One initial appointee of the Governor, as
23 designated by the Governor, and the initial appointees of the
24 Attorney General, Secretary of State, Comptroller, and
25 Treasurer shall serve terms running through June 30, 2008. The
26 initial appointments shall be made within 60 days after the

1 effective date of this Act.

2 After the initial terms, commissioners shall serve for
3 4-year terms commencing on July 1 of the year of appointment
4 and running through June 30 of the fourth following year.
5 Commissioners may be reappointed to one or more subsequent
6 terms.

7 Vacancies occurring other than at the end of a term shall
8 be filled by the appointing authority only for the balance of
9 the term of the commissioner whose office is vacant.

10 Terms shall run regardless of whether the position is
11 filled.

12 (c) The appointing authorities shall appoint commissioners
13 who have experience holding governmental office or employment
14 and shall appoint commissioners from the general public. A
15 person is not eligible to serve as a commissioner if that
16 person (i) has been convicted of a felony or a crime of
17 dishonesty or moral turpitude, (ii) is, or was within the
18 preceding 12 months, engaged in activities that require
19 registration under the Lobbyist Registration Act, (iii) is
20 related to the appointing authority, or (iv) is a State officer
21 or employee.

22 (d) The Executive Ethics Commission shall have
23 jurisdiction over all officers and employees of State agencies
24 other than the General Assembly, the Senate, the House of
25 Representatives, the President and Minority Leader of the
26 Senate, the Speaker and Minority Leader of the House of

1 Representatives, the Senate Operations Commission, the
2 legislative support services agencies, and the Office of the
3 Auditor General. The Executive Ethics Commission shall have
4 jurisdiction over all board members and employees of Regional
5 Transit Boards. The jurisdiction of the Commission is limited
6 to matters arising under this Act, except as provided in
7 subsection (d-5).

8 A member or legislative branch State employee serving on an
9 executive branch board or commission remains subject to the
10 jurisdiction of the Legislative Ethics Commission and is not
11 subject to the jurisdiction of the Executive Ethics Commission.

12 (d-5) The Executive Ethics Commission shall have
13 jurisdiction over all chief procurement officers and
14 procurement compliance monitors and their respective staffs.
15 The Executive Ethics Commission shall have jurisdiction over
16 any matters arising under the Illinois Procurement Code if the
17 Commission is given explicit authority in that Code.

18 (d-6) (1) The Executive Ethics Commission shall have
19 jurisdiction over the Illinois Power Agency and its staff. The
20 Director of the Agency shall be appointed by a majority of the
21 commissioners of the Executive Ethics Commission, subject to
22 Senate confirmation, for a term of 2 years. The Director is
23 removable for cause by a majority of the Commission upon a
24 finding of neglect, malfeasance, absence, or incompetence.

25 (2) In case of a vacancy in the office of Director of the
26 Illinois Power Agency during a recess of the Senate, the

1 Executive Ethics Commission may make a temporary appointment
2 until the next meeting of the Senate, at which time the
3 Executive Ethics Commission shall nominate some person to fill
4 the office, and any person so nominated who is confirmed by the
5 Senate shall hold office during the remainder of the term and
6 until his or her successor is appointed and qualified. Nothing
7 in this subsection shall prohibit the Executive Ethics
8 Commission from removing a temporary appointee or from
9 appointing a temporary appointee as the Director of the
10 Illinois Power Agency.

11 (3) Prior to June 1, 2012, the Executive Ethics Commission
12 may, until the Director of the Illinois Power Agency is
13 appointed and qualified or a temporary appointment is made
14 pursuant to paragraph (2) of this subsection, designate some
15 person as an acting Director to execute the powers and
16 discharge the duties vested by law in that Director. An acting
17 Director shall serve no later than 60 calendar days, or upon
18 the making of an appointment pursuant to paragraph (1) or (2)
19 of this subsection, whichever is earlier. Nothing in this
20 subsection shall prohibit the Executive Ethics Commission from
21 removing an acting Director or from appointing an acting
22 Director as the Director of the Illinois Power Agency.

23 (4) No person rejected by the Senate for the office of
24 Director of the Illinois Power Agency shall, except at the
25 Senate's request, be nominated again for that office at the
26 same session or be appointed to that office during a recess of

1 that Senate.

2 (e) The Executive Ethics Commission must meet, either in
3 person or by other technological means, at least monthly and as
4 often as necessary. At the first meeting of the Executive
5 Ethics Commission, the commissioners shall choose from their
6 number a chairperson and other officers that they deem
7 appropriate. The terms of officers shall be for 2 years
8 commencing July 1 and running through June 30 of the second
9 following year. Meetings shall be held at the call of the
10 chairperson or any 3 commissioners. Official action by the
11 Commission shall require the affirmative vote of 5
12 commissioners, and a quorum shall consist of 5 commissioners.
13 Commissioners shall receive compensation in an amount equal to
14 the compensation of members of the State Board of Elections and
15 may be reimbursed for their reasonable expenses actually
16 incurred in the performance of their duties.

17 (f) No commissioner or employee of the Executive Ethics
18 Commission may during his or her term of appointment or
19 employment:

20 (1) become a candidate for any elective office;

21 (2) hold any other elected or appointed public office
22 except for appointments on governmental advisory boards or
23 study commissions or as otherwise expressly authorized by
24 law;

25 (3) be actively involved in the affairs of any
26 political party or political organization; or

1 (4) advocate for the appointment of another person to
2 an appointed or elected office or position or actively
3 participate in any campaign for any elective office.

4 (g) An appointing authority may remove a commissioner only
5 for cause.

6 (h) The Executive Ethics Commission shall appoint an
7 Executive Director. The compensation of the Executive Director
8 shall be as determined by the Commission. The Executive
9 Director of the Executive Ethics Commission may employ and
10 determine the compensation of staff, as appropriations permit.

11 (i) The Executive Ethics Commission shall appoint, by a
12 majority of the members appointed to the Commission, chief
13 procurement officers and may appoint procurement compliance
14 monitors in accordance with the provisions of the Illinois
15 Procurement Code. The compensation of a chief procurement
16 officer and procurement compliance monitor shall be determined
17 by the Commission.

18 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;
19 97-618, eff. 10-26-11; 97-677, eff. 2-6-12.)

20 Section 15. The Illinois Procurement Code is amended by
21 re-enacting and changing Sections 1-12 and 1-13, by changing
22 Sections 1-10, 1-15.20, 5-5, 5-30, 10-10, 10-15, 15-25, 15-30,
23 20-10, 20-15, 20-20, 20-25, 20-30, 20-43, 20-80, 20-160, 25-35,
24 35-15, 35-30, 35-35, 40-30, 45-15, 45-30, 45-45, 45-57, 50-2,
25 50-10, 50-10.5, 50-39, 50-40, 50-45, and 53-10, and by adding

1 Sections 1-15.40, 1-15.47, 1-15.48, 1-15.49, 10-30, 25-85,
2 30-40, 45-85, 45-90, and 50-36.5 as follows:

3 (30 ILCS 500/1-10)

4 Sec. 1-10. Application.

5 (a) This Code applies only to procurements for which
6 bidders, offerors, potential contractors, or contractors were
7 first solicited on or after July 1, 1998. This Code shall not
8 be construed to affect or impair any contract, or any provision
9 of a contract, entered into based on a solicitation prior to
10 the implementation date of this Code as described in Article
11 99, including but not limited to any covenant entered into with
12 respect to any revenue bonds or similar instruments. All
13 procurements for which contracts are solicited between the
14 effective date of Articles 50 and 99 and July 1, 1998 shall be
15 substantially in accordance with this Code and its intent.

16 (b) This Code shall apply regardless of the source of the
17 funds with which the contracts are paid, including federal
18 assistance moneys. Except as specifically provided in this
19 Code, this ~~This~~ Code shall not apply to:

20 (1) Contracts between the State and its political
21 subdivisions or other governments, or between State
22 governmental bodies ~~except as specifically provided in~~
23 ~~this Code.~~

24 (2) Grants, except for the filing requirements of
25 Section 20-80.

1 (3) Purchase of care.

2 (4) Hiring of an individual as employee and not as an
3 independent contractor, whether pursuant to an employment
4 code or policy or by contract directly with that
5 individual.

6 (5) Collective bargaining contracts.

7 (6) Purchase of real estate, except that notice of this
8 type of contract with a value of more than \$25,000 must be
9 published in the Procurement Bulletin within 10 calendar
10 days after the deed is recorded in the county of
11 jurisdiction. The notice shall identify the real estate
12 purchased, the names of all parties to the contract, the
13 value of the contract, and the effective date of the
14 contract.

15 (7) Contracts necessary to prepare for anticipated
16 litigation, enforcement actions, or investigations,
17 provided that the chief legal counsel to the Governor shall
18 give his or her prior approval when the procuring agency is
19 one subject to the jurisdiction of the Governor, and
20 provided that the chief legal counsel of any other
21 procuring entity subject to this Code shall give his or her
22 prior approval when the procuring entity is not one subject
23 to the jurisdiction of the Governor.

24 (8) (Blank). ~~Contracts for services to Northern~~
25 ~~Illinois University by a person, acting as an independent~~
26 ~~contractor, who is qualified by education, experience, and~~

1 ~~technical ability and is selected by negotiation for the~~
2 ~~purpose of providing non-credit educational service~~
3 ~~activities or products by means of specialized programs~~
4 ~~offered by the university.~~

5 (9) Procurement expenditures by the Illinois
6 Conservation Foundation when only private funds are used.

7 (10) (Blank). ~~Procurement expenditures by the Illinois~~
8 ~~Health Information Exchange Authority involving private~~
9 ~~funds from the Health Information Exchange Fund. "Private~~
10 ~~funds" means gifts, donations, and private grants.~~

11 (11) Public-private agreements entered into according
12 to the procurement requirements of Section 20 of the
13 Public-Private Partnerships for Transportation Act and
14 design-build agreements entered into according to the
15 procurement requirements of Section 25 of the
16 Public-Private Partnerships for Transportation Act.

17 (12) Contracts for legal, financial, and other
18 professional and artistic services entered into on or
19 before December 31, 2018 by the Illinois Finance Authority
20 in which the State of Illinois is not obligated. Such
21 contracts shall be awarded through a competitive process
22 authorized by the Board of the Illinois Finance Authority
23 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
24 50-35, and 50-37 of this Code, as well as the final
25 approval by the Board of the Illinois Finance Authority of
26 the terms of the contract.

1 ~~(13) The provisions of this paragraph (13), other than~~
2 ~~this sentence, are inoperative on and after January 1, 2019~~
3 ~~or 2 years after the effective date of this amendatory Act~~
4 ~~of the 99th General Assembly, whichever is later.~~ Contracts
5 for services, commodities, and equipment to support the
6 delivery of timely forensic science services in
7 consultation with and subject to the approval of the Chief
8 Procurement Officer as provided in subsection (d) of
9 Section 5-4-3a of the Unified Code of Corrections, except
10 for the requirements of Sections 20-60, 20-65, 20-70, and
11 20-160 and Article 50 of this Code; however, the Chief
12 Procurement Officer may, in writing with justification,
13 waive any certification required under Article 50 of this
14 Code. For any contracts for services which are currently
15 provided by members of a collective bargaining agreement,
16 the applicable terms of the collective bargaining
17 agreement concerning subcontracting shall be followed.

18 On and after January 1, 2019, this paragraph (13),
19 except for this sentence, is inoperative.

20 (14) Contracts for participation expenditures required
21 by a domestic or international trade show or exhibition of
22 an exhibitor, member, or sponsor.

23 (15) Contracts with a railroad or utility that requires
24 the State to reimburse the railroad or utilities for the
25 relocation of utilities for construction or other public
26 purpose. Contracts included within this paragraph (15)

1 shall include, but not be limited to, those associated
2 with: relocations, crossings, installations, and
3 maintenance. For the purposes of this paragraph (15),
4 "railroad" means any form of non-highway ground
5 transportation that runs on rails or electromagnetic
6 guideways and "utility" means: (1) public utilities as
7 defined in Section 3-105 of the Public Utilities Act, (2)
8 telecommunications carriers as defined in Section 13-202
9 of the Public Utilities Act, (3) electric cooperatives as
10 defined in Section 3.4 of the Electric Supplier Act, (4)
11 telephone or telecommunications cooperatives as defined in
12 Section 13-212 of the Public Utilities Act, (5) rural water
13 or waste water systems with 10,000 connections or less, (6)
14 a holder as defined in Section 21-201 of the Public
15 Utilities Act, and (7) municipalities owning or operating
16 utility systems consisting of public utilities as that term
17 is defined in Section 11-117-2 of the Illinois Municipal
18 Code.

19 Notwithstanding any other provision of law, for contracts
20 entered into on or after October 1, 2017 under an exemption
21 provided in any paragraph ~~item (12)~~ of this subsection (b),
22 except paragraph (1), (2), or (5), each State agency shall be
23 published in the Procurement Bulletin within 14 calendar days
24 after contract execution. The chief procurement officer shall
25 prescribe the form and content of the notice. The Illinois
26 Finance Authority shall provide the chief procurement officer,

1 ~~on a monthly basis, in the form and content prescribed by the~~
2 ~~chief procurement officer, a report of contracts that are~~
3 ~~related to the procurement of goods and services identified in~~
4 ~~item (12) of this subsection (b). At a minimum, this report~~
5 shall post to the appropriate procurement bulletin ~~include~~ the
6 name of the contractor, a description of the supply or service
7 provided, the total amount of the contract, the term of the
8 contract, and the exception to the Code utilized. ~~A copy of~~
9 ~~each of these contracts shall be made available to the chief~~
10 ~~procurement officer immediately upon request.~~ The chief
11 procurement officer shall submit a report to the Governor and
12 General Assembly no later than November 1 of each year that
13 shall include, at a minimum, an annual summary of the monthly
14 information reported to the chief procurement officer.

15 (c) This Code does not apply to the electric power
16 procurement process provided for under Section 1-75 of the
17 Illinois Power Agency Act and Section 16-111.5 of the Public
18 Utilities Act.

19 (d) Except for Section 20-160 and Article 50 of this Code,
20 and as expressly required by Section 9.1 of the Illinois
21 Lottery Law, the provisions of this Code do not apply to the
22 procurement process provided for under Section 9.1 of the
23 Illinois Lottery Law.

24 (e) This Code does not apply to the process used by the
25 Capital Development Board to retain a person or entity to
26 assist the Capital Development Board with its duties related to

1 the determination of costs of a clean coal SNG brownfield
2 facility, as defined by Section 1-10 of the Illinois Power
3 Agency Act, as required in subsection (h-3) of Section 9-220 of
4 the Public Utilities Act, including calculating the range of
5 capital costs, the range of operating and maintenance costs, or
6 the sequestration costs or monitoring the construction of clean
7 coal SNG brownfield facility for the full duration of
8 construction.

9 (f) (Blank). ~~This Code does not apply to the process used~~
10 ~~by the Illinois Power Agency to retain a mediator to mediate~~
11 ~~sourcing agreement disputes between gas utilities and the clean~~
12 ~~coal SNG brownfield facility, as defined in Section 1-10 of the~~
13 ~~Illinois Power Agency Act, as required under subsection (h-1)~~
14 ~~of Section 9-220 of the Public Utilities Act.~~

15 (g) (Blank). ~~This Code does not apply to the processes used~~
16 ~~by the Illinois Power Agency to retain a mediator to mediate~~
17 ~~contract disputes between gas utilities and the clean coal SNG~~
18 ~~facility and to retain an expert to assist in the review of~~
19 ~~contracts under subsection (h) of Section 9-220 of the Public~~
20 ~~Utilities Act. This Code does not apply to the process used by~~
21 ~~the Illinois Commerce Commission to retain an expert to assist~~
22 ~~in determining the actual incurred costs of the clean coal SNG~~
23 ~~facility and the reasonableness of those costs as required~~
24 ~~under subsection (h) of Section 9-220 of the Public Utilities~~
25 ~~Act.~~

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records
4 necessary to review whether a contract, purchase, or other
5 expenditure is or is not subject to the provisions of this
6 Code, unless such records would be subject to attorney-client
7 privilege.

8 (j) This Code does not apply to the process used by the
9 Capital Development Board to retain an artist or work or works
10 of art as required in Section 14 of the Capital Development
11 Board Act.

12 (k) This Code does not apply to the process to procure
13 contracts, or contracts entered into, by the State Board of
14 Elections or the State Electoral Board for hearing officers
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the
17 Illinois Student Assistance Commission to procure supplies and
18 services paid for from the private funds of the Illinois
19 Prepaid Tuition Fund. As used in this subsection (l), "private
20 funds" means funds derived from deposits paid into the Illinois
21 Prepaid Tuition Trust Fund and the earnings thereon.

22 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
23 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
24 1-1-15; 99-801, eff. 1-1-17.)

25 (30 ILCS 500/1-12)

1 Sec. 1-12. Applicability to artistic or musical services.

2 (a) This Code shall not apply to procurement expenditures
3 necessary to provide artistic or musical services,
4 performances, or theatrical productions held at a venue
5 operated or leased by a State agency.

6 (b) Notice of each contract entered into by a State agency
7 that is related to the procurement of goods and services
8 identified in this Section shall be published in the Illinois
9 Procurement Bulletin within 14 calendar days after contract
10 execution. The chief procurement officer shall prescribe the
11 form and content of the notice. Each State agency shall provide
12 the chief procurement officer, on a monthly basis, in the form
13 and content prescribed by the chief procurement officer, a
14 report of contracts that are related to the procurement of
15 supplies ~~goods~~ and services identified in this Section. At a
16 minimum, this report shall include the name of the contractor,
17 a description of the supply or service provided, the total
18 amount of the contract, the term of the contract, and the
19 exception to the Code utilized. A copy of any or all of these
20 contracts shall be made available to the chief procurement
21 officer immediately upon request. The chief procurement
22 officer shall submit a report to the Governor and General
23 Assembly no later than November 1 of each year that shall
24 include, at a minimum, an annual summary of the monthly
25 information reported to the chief procurement officer.

26 (c) (Blank). ~~This Section is repealed December 31, 2016.~~

1 (d) The General Assembly finds and declares that:

2 (1) This amendatory Act of the 100th General Assembly
3 manifests the intention of the General Assembly to remove
4 the repeal of this Section.

5 (2) This Section was originally enacted to protect,
6 promote, and preserve the general welfare. Any
7 construction of this Section that results in the repeal of
8 this Section on December 31, 2016 would be inconsistent
9 with the manifest intent of the General Assembly and
10 repugnant to the context of this Code.

11 It is hereby declared to have been the intent of the
12 General Assembly that this Section not be subject to repeal on
13 December 31, 2016.

14 This Section shall be deemed to have been in continuous
15 effect since August 3, 2012 (the effective date of Public Act
16 97-895), and it shall continue to be in effect henceforward
17 until it is otherwise lawfully repealed. All previously enacted
18 amendments to this Section taking effect on or after December
19 31, 2016, are hereby validated.

20 All actions taken in reliance on or pursuant to this
21 Section in the procurement of artistic or musical services are
22 hereby validated.

23 In order to ensure the continuing effectiveness of this
24 Section, it is set forth in full and re-enacted by this
25 amendatory Act of the 100th General Assembly. This re-enactment
26 is intended as a continuation of this Section. It is not

1 intended to supersede any amendment to this Section that is
2 enacted by the 100th General Assembly.

3 In this amendatory Act of the 100th General Assembly, the
4 base text of this Section is set forth as amended by Public Act
5 98-1076. Striking and underscoring is used only to show changes
6 being made to the base text.

7 This Section applies to all procurements made on or before
8 the effective date of this amendatory Act of the 100th General
9 Assembly.

10 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/1-13)

12 Sec. 1-13. Applicability to public institutions of higher
13 education.

14 (a) This Code shall apply to public institutions of higher
15 education, regardless of the source of the funds with which
16 contracts are paid, except as provided in this Section.

17 (b) Except as provided in this Section, this Code shall not
18 apply to procurements made by or on behalf of public
19 institutions of higher education for any of the following:

20 (1) Memberships in professional, academic, research,
21 or athletic organizations on behalf of a public institution
22 of higher education, an employee of a public institution of
23 higher education, or a student at a public institution of
24 higher education.

25 (2) Procurement expenditures for events or activities

1 paid for exclusively by revenues generated by the event or
2 activity, gifts or donations for the event or activity,
3 private grants, or any combination thereof.

4 (3) Procurement expenditures for events or activities
5 for which the use of specific potential contractors is
6 mandated or identified by the sponsor of the event or
7 activity, provided that the sponsor is providing a majority
8 of the funding for the event or activity.

9 (4) Procurement expenditures necessary to provide
10 athletic, artistic or musical services, performances,
11 events, or productions ~~held at a venue operated by~~ or for a
12 public institution of higher education.

13 (5) Procurement expenditures for periodicals, ~~and~~
14 books, subscriptions, database licenses, and other
15 publications procured for use by a university library or
16 academic department, except for expenditures related to
17 procuring textbooks for student use or materials for resale
18 or rental.

19 (6) Procurement expenditures for placement of students
20 in externships, practicums, field experiences, and for
21 medical residencies and rotations.

22 (7) Contracts for programming and broadcast license
23 rights for university-operated radio and television
24 stations.

25 (8) Procurement expenditures necessary to perform
26 sponsored research and other sponsored activities under

1 grants and contracts funded by the sponsor or by sources
2 other than State appropriations.

3 (9) Contracts with a foreign entity for research or
4 educational activities, provided that the foreign entity
5 either does not maintain an office in the United States or
6 is the sole source of the service or product.

7 Notice of each contract entered into by a public institution of
8 higher education that is related to the procurement of goods
9 and services identified in items (1) through (9) ~~(7)~~ of this
10 subsection shall be published in the Procurement Bulletin
11 within 14 calendar days after contract execution. The Chief
12 Procurement Officer shall prescribe the form and content of the
13 notice. Each public institution of higher education shall
14 provide the Chief Procurement Officer, on a monthly basis, in
15 the form and content prescribed by the Chief Procurement
16 Officer, a report of contracts that are related to the
17 procurement of goods and services identified in this
18 subsection. At a minimum, this report shall include the name of
19 the contractor, a description of the supply or service
20 provided, the total amount of the contract, the term of the
21 contract, and the exception to the Code utilized. A copy of any
22 or all of these contracts shall be made available to the Chief
23 Procurement Officer immediately upon request. The Chief
24 Procurement Officer shall submit a report to the Governor and
25 General Assembly no later than November 1 of each year that
26 shall include, at a minimum, an annual summary of the monthly

1 information reported to the Chief Procurement Officer.

2 (b-5) Except as provided in this subsection, the provisions
3 of this Code shall not apply to contracts for medical
4 ~~FDA-regulated~~ supplies, and to contracts for medical services
5 necessary for the delivery of care and treatment at medical,
6 dental, or veterinary teaching facilities utilized by Southern
7 Illinois University or the University of Illinois and at any
8 university-operated health care center or dispensary that
9 provides care, treatment, and medications for students,
10 faculty and staff. Other supplies and services needed for these
11 teaching facilities shall be subject to the jurisdiction of the
12 Chief Procurement Officer for Public Institutions of Higher
13 Education who may establish expedited procurement procedures
14 and may waive or modify certification, contract, hearing,
15 process and registration requirements required by the Code. All
16 procurements made under this subsection shall be documented and
17 may require publication in the Illinois Procurement Bulletin.

18 (c) Procurements made by or on behalf of public
19 institutions of higher education for the fulfillment of a grant
20 shall be made in accordance with the requirements of this Code
21 to the extent practical. ~~any of the following shall be made in~~
22 ~~accordance with the requirements of this Code to the extent~~
23 ~~practical as provided in this subsection:~~

24 ~~(1) Contracts with a foreign entity necessary for~~
25 ~~research or educational activities, provided that the~~
26 ~~foreign entity either does not maintain an office in the~~

1 ~~United States or is the sole source of the service or~~
2 ~~product.~~

3 ~~(2) (Blank).~~

4 ~~(3) (Blank).~~

5 ~~(4) Procurements required for fulfillment of a grant.~~

6 Upon the written request of a public institution of higher
7 education, the Chief Procurement Officer may waive contract,
8 registration, certification, and hearing requirements of this
9 Code if, based on the item to be procured or the terms of a
10 grant, compliance is impractical. The public institution of
11 higher education shall provide the Chief Procurement Officer
12 with specific reasons for the waiver, including the necessity
13 of contracting with a particular potential contractor, and
14 shall certify that an effort was made in good faith to comply
15 with the provisions of this Code. The Chief Procurement Officer
16 shall provide written justification for any waivers. By
17 November 1 of each year, the Chief Procurement Officer shall
18 file a report with the General Assembly identifying each
19 contract approved with waivers and providing the justification
20 given for any waivers for each of those contracts. Notice of
21 each waiver made under this subsection shall be published in
22 the Procurement Bulletin within 14 calendar days after contract
23 execution. The Chief Procurement Officer shall prescribe the
24 form and content of the notice.

25 (d) Notwithstanding this Section, a waiver of the
26 registration requirements of Section 20-160 does not permit a

1 business entity and any affiliated entities or affiliated
2 persons to make campaign contributions if otherwise prohibited
3 by Section 50-37. The total amount of contracts awarded in
4 accordance with this Section shall be included in determining
5 the aggregate amount of contracts or pending bids of a business
6 entity and any affiliated entities or affiliated persons.

7 (e) Notwithstanding subsection (e) of Section 50-10.5 of
8 this Code, the Chief Procurement Officer, with the approval of
9 the Executive Ethics Commission, may permit a public
10 institution of higher education to accept a bid or enter into a
11 contract with a business that assisted the public institution
12 of higher education in determining whether there is a need for
13 a contract or assisted in reviewing, drafting, or preparing
14 documents related to a bid or contract, provided that the bid
15 or contract is essential to research administered by the public
16 institution of higher education and it is in the best interest
17 of the public institution of higher education to accept the bid
18 or contract. For purposes of this subsection, "business"
19 includes all individuals with whom a business is affiliated,
20 including, but not limited to, any officer, agent, employee,
21 consultant, independent contractor, director, partner,
22 manager, or shareholder of a business. The Executive Ethics
23 Commission may promulgate rules and regulations for the
24 implementation and administration of the provisions of this
25 subsection (e).

26 (f) As used in this Section:

1 "Grant" means non-appropriated funding provided by a
2 federal or private entity to support a project or program
3 administered by a public institution of higher education and
4 any non-appropriated funding provided to a sub-recipient of the
5 grant.

6 "Public institution of higher education" means Chicago
7 State University, Eastern Illinois University, Governors State
8 University, Illinois State University, Northeastern Illinois
9 University, Northern Illinois University, Southern Illinois
10 University, University of Illinois, Western Illinois
11 University, and, for purposes of this Code only, the Illinois
12 Mathematics and Science Academy.

13 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~

14 (h) The General Assembly finds and declares that:

15 (1) Public Act 98-1076, which took effect on January 1,
16 2015, changed the repeal date set for this Section from
17 December 31, 2014 to December 31, 2016.

18 (2) The Statute on Statutes sets forth general rules on
19 the repeal of statutes and the construction of multiple
20 amendments, but Section 1 of that Act also states that
21 these rules will not be observed when the result would be
22 "inconsistent with the manifest intent of the General
23 Assembly or repugnant to the context of the statute".

24 (3) This amendatory Act of the 100th General Assembly
25 manifests the intention of the General Assembly to remove
26 the repeal of this Section.

1 (4) This Section was originally enacted to protect,
2 promote, and preserve the general welfare. Any
3 construction of this Section that results in the repeal of
4 this Section on December 31, 2014 would be inconsistent
5 with the manifest intent of the General Assembly and
6 repugnant to the context of this Code.

7 It is hereby declared to have been the intent of the
8 General Assembly that this Section not be subject to repeal on
9 December 31, 2014.

10 This Section shall be deemed to have been in continuous
11 effect since December 20, 2011 (the effective date of Public
12 Act 97-643), and it shall continue to be in effect henceforward
13 until it is otherwise lawfully repealed. All previously enacted
14 amendments to this Section taking effect on or after December
15 31, 2014, are hereby validated.

16 All actions taken in reliance on or pursuant to this
17 Section by any public institution of higher education, person,
18 or entity are hereby validated.

19 In order to ensure the continuing effectiveness of this
20 Section, it is set forth in full and re-enacted by this
21 amendatory Act of the 100th General Assembly. This re-enactment
22 is intended as a continuation of this Section. It is not
23 intended to supersede any amendment to this Section that is
24 enacted by the 100th General Assembly.

25 In this amendatory Act of the 100th General Assembly, the
26 base text of the reenacted Section is set forth as amended by

1 Public Act 98-1076. Striking and underscoring is used only to
2 show changes being made to the base text.

3 This Section applies to all procurements made on or before
4 the effective date of this amendatory Act of the 100th General
5 Assembly.

6 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;
7 98-1076, eff. 1-1-15.)

8 (30 ILCS 500/1-15.20)

9 Sec. 1-15.20. Construction, ~~and~~ construction-related, and
10 construction support services. "Construction" means building,
11 altering, repairing, improving, or demolishing any public
12 structure or building, or making improvements of any kind to
13 public real property. Construction does not include the routine
14 operation, routine repair, or routine maintenance of existing
15 structures, buildings, or real property.

16 "Construction-related services" means those services
17 including construction design, layout, inspection, support,
18 feasibility or location study, research, development,
19 planning, or other investigative study undertaken by a
20 construction agency concerning construction or potential
21 construction.

22 "Construction support" means all equipment, supplies, and
23 services that are necessary to the operation of a construction
24 agency's construction program. "Construction support" does not
25 include construction-related services.

1 (Source: P.A. 90-572, eff. 2-6-98.)

2 (30 ILCS 500/1-15.40 new)

3 Sec. 1-15.40. Electronic procurement. "Electronic
4 procurement" means conducting all or some of the procurement
5 function over the Internet.

6 (30 ILCS 500/1-15.47 new)

7 Sec. 1-15.47. Master contract. "Master contract" means a
8 definite quantity, indefinite quantity, or requirements
9 contract awarded in accordance with this Code, against which
10 subsequent orders may be placed to meet the needs of a State
11 purchasing entity. A master contract may be for use by a single
12 State purchasing entity or for multiple State purchasing
13 entities and other entities as authorized under the
14 Governmental Joint Purchasing Act.

15 (30 ILCS 500/1-15.48 new)

16 Sec. 1-15.48. Multiple Award. "Multiple award" means an
17 award that is made to 2 or more bidders or offerors for similar
18 supplies, services, or construction-related services.

19 (30 ILCS 500/1-15.49 new)

20 Sec. 1-15.49. No-cost contract. "No-cost contract" means a
21 contract in which the State of Illinois does not make a payment
22 to or receive a payment from the vendor, but the vendor has the

1 contractual authority to charge an entity other than the State
2 of Illinois for supplies or services at the State's contracted
3 rate to fulfill the State's mandated requirements.

4 (30 ILCS 500/5-5)

5 Sec. 5-5. Procurement Policy Board.

6 (a) Creation. There is created a Procurement Policy Board,
7 an agency of the State of Illinois.

8 (b) Authority and duties. The Board shall have the
9 authority and responsibility to review, comment upon, and
10 recommend, consistent with this Code, rules and practices
11 governing the procurement, management, control, and disposal
12 of supplies, services, professional or artistic services,
13 construction, and real property and capital improvement leases
14 procured by the State. The Board shall also have the authority
15 to recommend a program for professional development and provide
16 opportunities for training in procurement practices and
17 policies to chief procurement officers and their staffs in
18 order to ensure that all procurement is conducted in an
19 efficient, professional, and appropriately transparent manner.

20 Upon a three-fifths vote of its members, the Board may
21 review a contract. Upon a three-fifths vote of its members, the
22 Board may propose procurement rules for consideration by chief
23 procurement officers. These proposals shall be published in
24 each volume of the Procurement Bulletin. Except as otherwise
25 provided by law, the Board shall act upon the vote of a

1 majority of its members who have been appointed and are
2 serving.

3 (b-5) Reviews, studies, and hearings. The Board may review,
4 study, and hold public hearings concerning the implementation
5 and administration of this Code. Each chief procurement
6 officer, State purchasing officer, procurement compliance
7 monitor, and State agency shall cooperate with the Board,
8 provide information to the Board, and be responsive to the
9 Board in the Board's conduct of its reviews, studies, and
10 hearings.

11 (c) Members. The Board shall consist of 5 members appointed
12 one each by the 4 legislative leaders and the Governor. Each
13 member shall have demonstrated sufficient business or
14 professional experience in the area of procurement to perform
15 the functions of the Board. No member may be a member of the
16 General Assembly.

17 (d) Terms. Of the initial appointees, the Governor shall
18 designate one member, as Chairman, to serve a one-year term,
19 the President of the Senate and the Speaker of the House shall
20 each appoint one member to serve 3-year terms, and the Minority
21 Leader of the House and the Minority Leader of the Senate shall
22 each appoint one member to serve 2-year terms. Subsequent terms
23 shall be 4 years. Members may be reappointed for succeeding
24 terms.

25 (e) Reimbursement. Members shall receive no compensation
26 but shall be reimbursed for any expenses reasonably incurred in

1 the performance of their duties.

2 (f) Staff support. Upon a three-fifths vote of its members,
3 the Board may employ an executive director. Subject to
4 appropriation, the Board also may employ a reasonable and
5 necessary number of staff persons.

6 (g) Meetings. Meetings of the Board may be conducted
7 telephonically, electronically, or through the use of other
8 telecommunications. Written minutes of such meetings shall be
9 created and available for public inspection and copying.

10 (h) Procurement recommendations. Upon a three-fifths vote
11 of its members, the Board may review a proposal, bid, or
12 contract and issue a recommendation to void a contract or
13 reject a proposal or bid based on any violation of this Code or
14 the existence of a conflict of interest as described in
15 subsections (b) and (d) of Section 50-35. A chief procurement
16 officer or State purchasing officer shall notify the Board if
17 an alleged conflict of interest or violation of the Code is
18 identified, discovered, or reasonably suspected to exist. Any
19 person or entity may notify the Board of an alleged conflict of
20 interest or violation of the Code. A recommendation of the
21 Board shall be delivered to the appropriate chief procurement
22 officer and Executive Ethics Commission within 7 calendar days
23 and must be published in the next volume of the Procurement
24 Bulletin. In the event that an alleged conflict of interest or
25 violation of the Code that was not originally disclosed with
26 the bid, offer, or proposal is identified and filed with the

1 Board, the Board shall provide written notice of the alleged
2 conflict of interest or violation to the bidder, offeror,
3 potential contractor, contractor, or subcontractor on that
4 contract. If the alleged conflict of interest or violation is
5 by the subcontractor, written notice shall also be provided to
6 the bidder, offeror, potential contractor, or contractor. The
7 bidder, offeror, potential contractor, contractor, or
8 subcontractor shall have 15 calendar days to provide a written
9 response to the notice, and a hearing before the Board on the
10 alleged conflict of interest or violation shall be held upon
11 request by the bidder, offeror, potential contractor,
12 contractor, or subcontractor. The requested hearing date and
13 time shall be determined by the Board, but in no event shall
14 the hearing occur later than 15 calendar days after the date of
15 the request.

16 (i) After providing notice and a hearing as required by
17 subsection (h), the Board shall refer any alleged violations of
18 this Code to the Executive Inspector General in addition to or
19 instead of issuing a recommendation to void a contract.

20 (j) Response. Each State agency shall respond promptly in
21 writing to all inquiries and comments of the Procurement Policy
22 Board.

23 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

24 (30 ILCS 500/5-30)

25 Sec. 5-30. Proposed contracts; Procurement Policy Board.

1 (a) Except as provided in subsection (c), within 14 ~~30~~
2 calendar days after notice of the awarding or letting of a
3 contract has appeared in the Procurement Bulletin in accordance
4 with subsection (b) of Section 15-25, the Board may request in
5 writing from the contracting agency and the contracting agency
6 shall promptly, but in no event later than 7 calendar days
7 after receipt of the request, provide to the Board, by
8 electronic or other means satisfactory to the Board,
9 documentation in the possession of the contracting agency
10 concerning the proposed contract. Nothing in this subsection is
11 intended to waive or abrogate any privilege or right of
12 confidentiality authorized by law.

13 (b) No contract subject to this Section may be entered into
14 until the 14-day ~~30-day~~ period described in subsection (a) has
15 expired, unless the contracting agency requests in writing that
16 the Board waive the period and the Board grants the waiver in
17 writing.

18 (c) This Section does not apply to (i) contracts entered
19 into under this Code for small and emergency procurements as
20 those procurements are defined in Article 20 and (ii) contracts
21 for professional and artistic services that are nonrenewable,
22 one year or less in duration, and have a value of less than
23 \$20,000. If requested in writing by the Board, however, the
24 contracting agency must promptly, but in no event later than 10
25 calendar days after receipt of the request, transmit to the
26 Board a copy of the contract for an emergency procurement and

1 documentation in the possession of the contracting agency
2 concerning the contract.

3 (Source: P.A. 98-1076, eff. 1-1-15.)

4 (30 ILCS 500/10-10)

5 Sec. 10-10. Independent State purchasing officers.

6 (a) The chief procurement officer shall appoint a State
7 purchasing officer for each agency that the chief procurement
8 officer is responsible for under Section 1-15.15. A State
9 purchasing officer shall be located in the State agency that
10 the officer serves but shall report to his or her respective
11 chief procurement officer. The State purchasing officer shall
12 have direct communication with agency staff assigned to assist
13 with any procurement process. At the direction of his or her
14 respective chief procurement officer, a State purchasing
15 officer shall have the authority to (i) review any contract or
16 contract amendment prior to execution to ensure that applicable
17 procurement and contracting standards were followed and (ii)
18 approve or reject contracts for a purchasing agency. If the
19 State purchasing officer provides written approval of the
20 contract, the head of the applicable State agency shall have
21 the authority to sign and enter into that contract. All actions
22 of a State purchasing officer are subject to review by a chief
23 procurement officer in accordance with procedures and policies
24 established by the chief procurement officer.

25 (a-5) A State purchasing officer may (i) attend any

1 procurement meetings; (ii) access any records or files related
2 to procurement; (iii) submit reports to the chief procurement
3 officer on procurement issues; (iv) ensure the State agency is
4 maintaining appropriate records; and (v) ensure transparency
5 of the procurement process.

6 (a-10) If a State purchasing officer is aware of
7 misconduct, waste, or inefficiency with respect to State
8 procurement, the State purchasing officer shall advise the
9 State agency of the issue in writing. If the State agency does
10 not correct the issue, the State purchasing officer shall
11 report the problem, in writing, to the chief procurement
12 officer and appropriate Inspector General.

13 (b) In addition to any other requirement or qualification
14 required by State law, within 30 months after appointment, a
15 State purchasing officer must be a Certified Professional
16 Public Buyer or a Certified Public Purchasing Officer, pursuant
17 to certification by the Universal Public Purchasing
18 Certification Council or the Institute for Supply Management. A
19 State purchasing officer shall serve a term of 5 years
20 beginning on the date of the officer's appointment. A State
21 purchasing officer shall have an office located in the State
22 agency that the officer serves but shall report to the chief
23 procurement officer. A State purchasing officer may be removed
24 by a chief procurement officer for cause after a hearing by the
25 Executive Ethics Commission. The chief procurement officer or
26 executive officer of the State agency housing the State

1 purchasing officer may institute a complaint against the State
2 purchasing officer by filing such a complaint with the
3 Commission and the Commission shall have a public hearing based
4 on the complaint. The State purchasing officer, chief
5 procurement officer, and executive officer of the State agency
6 shall receive notice of the hearing and shall be permitted to
7 present their respective arguments on the complaint. After the
8 hearing, the Commission shall make a non-binding
9 recommendation on whether the State purchasing officer shall be
10 removed. The salary of a State purchasing officer shall be
11 established by the chief procurement officer and may not be
12 diminished during the officer's term. In the absence of an
13 appointed State purchasing officer, the applicable chief
14 procurement officer shall exercise the procurement authority
15 created by this Code and may appoint a temporary acting State
16 purchasing officer.

17 (c) Each State purchasing officer owes a fiduciary duty to
18 the State.

19 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
20 for the effective date of changes made by P.A. 96-795); 97-895,
21 eff. 8-3-12.)

22 (30 ILCS 500/10-15)

23 Sec. 10-15. Procurement compliance monitors.

24 (a) The Executive Ethics Commission may ~~shall~~ appoint
25 procurement compliance monitors to oversee and review the

1 procurement processes. Each procurement compliance monitor
2 shall serve a term of 5 years beginning on the date of the
3 officer's appointment. Each procurement compliance monitor
4 appointed pursuant to this Section and serving a 5-year term on
5 the effective date of this amendatory Act of the 100th General
6 Assembly shall ~~have an office located in the State agency that~~
7 ~~the monitor serves but shall~~ report to the ~~appropriate~~ chief
8 procurement officer in the performance of his or her duties
9 until the expiration of the monitor's term. The compliance
10 monitor shall have direct communications with the executive
11 officer of a State agency in exercising duties. A procurement
12 compliance monitor may be removed only for cause after a
13 hearing by the Executive Ethics Commission. The appropriate
14 chief procurement officer or executive officer of the State
15 agency served by ~~housing~~ the procurement compliance monitor may
16 institute a complaint against the procurement compliance
17 monitor with the Commission and the Commission shall hold a
18 public hearing based on the complaint. The procurement
19 compliance monitor, State purchasing officer, appropriate
20 chief procurement officer, and executive officer of the State
21 agency shall receive notice of the hearing and shall be
22 permitted to present their respective arguments on the
23 complaint. After the hearing, the Commission shall determine
24 whether the procurement compliance monitor shall be removed.
25 The salary of a procurement compliance monitor shall be
26 established by the Executive Ethics Commission and may not be

1 diminished during the officer's term.

2 (b) The procurement compliance monitor shall: (i) review
3 any procurement, contract, or contract amendment as directed by
4 the Executive Ethics Commission or a chief procurement officer;
5 and (ii) report any findings of the review, in writing, to the
6 Commission, the affected agency, the chief procurement officer
7 responsible for the affected agency, and any entity requesting
8 the review. The procurement compliance monitor may: (i) review
9 each contract or contract amendment prior to execution to
10 ensure that applicable procurement and contracting standards
11 were followed; (ii) attend any procurement meetings; (iii)
12 access any records or files related to procurement; (iv) issue
13 reports to the chief procurement officer on procurement issues
14 that present issues or that have not been corrected after
15 consultation with appropriate State officials; (v) ensure the
16 State agency is maintaining appropriate records; and (vi)
17 ensure transparency of the procurement process.

18 (c) If the procurement compliance monitor is aware of
19 misconduct, waste, or inefficiency with respect to State
20 procurement, the procurement compliance monitor shall advise
21 the State agency of the issue in writing. If the State agency
22 does not correct the issue, the monitor shall report the
23 problem, in writing, to the chief procurement officer and
24 Inspector General.

25 (d) Each procurement compliance monitor owes a fiduciary
26 duty to the State.

1 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
2 for the effective date of changes made by P.A. 96-795); 97-895,
3 eff. 8-3-12.)

4 (30 ILCS 500/10-30 new)

5 Sec. 10-30. Fiduciary duty. Each chief procurement
6 officer, State purchasing officer, and procurement compliance
7 monitor owe a fiduciary duty to the State.

8 (30 ILCS 500/15-25)

9 Sec. 15-25. Bulletin content.

10 (a) Invitations for bids. Notice of each and every contract
11 that is offered, including renegotiated contracts and change
12 orders, shall be published in the Bulletin. ~~All businesses~~
13 ~~listed on the Department of Transportation Disadvantaged~~
14 ~~Business Enterprise Directory, the Department of Central~~
15 ~~Management Services Business Enterprise Program, and the Chief~~
16 ~~Procurement Office's Small Business Vendors Directory shall be~~
17 ~~furnished written instructions and information on how to~~
18 ~~register on each Procurement Bulletin maintained by the State.~~
19 ~~Such information shall be provided to each business within 30~~
20 ~~calendar days after the business' notice of certification.~~ The
21 applicable chief procurement officer may provide by rule an
22 organized format for the publication of this information, but
23 in any case it must include at least the date first offered,
24 the date submission of offers is due, the location that offers

1 are to be submitted to, the purchasing State agency, the
2 responsible State purchasing officer, a brief purchase
3 description, the method of source selection, information of how
4 to obtain a comprehensive purchase description and any
5 disclosure and contract forms, and encouragement to potential
6 contractors to hire qualified veterans, as defined by Section
7 45-67 of this Code, and qualified Illinois minorities, women,
8 persons with disabilities, and residents discharged from any
9 Illinois adult correctional center.

10 (a-5) All businesses listed on the Illinois Unified
11 Certification Program Disadvantaged Business Enterprise
12 Directory, the Business Enterprise Program of the Department of
13 Central Management Services, and any small business database
14 created pursuant to Section 45-45 of this Code shall be
15 furnished written instructions and information on how to
16 register for the Illinois Procurement Bulletin. This
17 information shall be provided to each business within 30
18 calendar days after the business's notice of certification or
19 qualification.

20 (b) Contracts let. Notice of each and every contract that
21 is let, including renegotiated contracts and change orders,
22 shall be issued electronically to those bidders submitting
23 responses to the solicitations, inclusive of the unsuccessful
24 bidders, immediately upon contract let. Failure of any chief
25 procurement officer to give such notice shall result in tolling
26 the time for filing a bid protest up to 7 calendar days.

1 For purposes of this subsection (b), "contracts let" means
2 a construction agency's act of advertising an invitation for
3 bids for one or more construction projects.

4 (b-5) Contracts awarded. Notice of each and every contract
5 that is awarded, including renegotiated contracts and change
6 orders, shall be issued electronically to the successful
7 responsible bidder, offeror, or contractor and published in the
8 ~~next available subsequent~~ Bulletin. The applicable chief
9 procurement officer may provide by rule an organized format for
10 the publication of this information, but in any case it must
11 include at least all of the information specified in subsection
12 (a) as well as the name of the successful responsible bidder,
13 offeror, the contract price, the number of unsuccessful bidders
14 or offerors and any other disclosure specified in any Section
15 of this Code. This notice must be posted in the online
16 electronic Bulletin prior to execution of the contract.

17 For purposes of this subsection (b-5), "contract award"
18 means the determination that a particular bidder or offeror has
19 been selected from among other bidders or offerors to receive a
20 contract, subject to the successful completion of final
21 negotiations. "Contract award" is evidenced by the posting of a
22 Notice of Award or a Notice of Intent to Award to the
23 respective volume of the Illinois Procurement Bulletin.

24 (c) Emergency purchase disclosure. Any chief procurement
25 officer or State purchasing officer exercising emergency
26 purchase authority under this Code shall publish a written

1 description and reasons and the total cost, if known, or an
2 estimate if unknown and the name of the responsible chief
3 procurement officer and State purchasing officer, and the
4 business or person contracted with for all emergency purchases
5 in the ~~next timely, practicable~~ Bulletin. This notice must be
6 posted in the online electronic Bulletin no later than 5
7 calendar days after the contract is awarded. Notice of a
8 hearing to extend an emergency contract must be posted in the
9 online electronic Procurement Bulletin no later than 14
10 calendar days prior to the hearing.

11 (c-5) Business Enterprise Program report. Each purchasing
12 agency shall, with the assistance of the applicable chief
13 procurement officer, post in the online electronic Bulletin a
14 copy of its annual report of utilization of businesses owned by
15 minorities, females, and persons with disabilities as
16 submitted to the Business Enterprise Council for Minorities,
17 Females, and Persons with Disabilities pursuant to Section 6(c)
18 of the Business Enterprise for Minorities, Females, and Persons
19 with Disabilities Act within 10 calendar days after its
20 submission of its report to the Council.

21 (c-10) Renewals. Notice of each contract renewal shall be
22 posted in the ~~online electronic~~ Bulletin within 14 calendar
23 days of the determination to execute a renewal of the ~~renew the~~
24 contract ~~and the next available subsequent Bulletin~~. The notice
25 shall include at least all of the information required in
26 subsection (a) or (b), as applicable.

1 (c-15) Sole source procurements. Before entering into a
2 sole source contract, a chief procurement officer exercising
3 sole source procurement authority under this Code shall publish
4 a written description of intent to enter into a sole source
5 contract along with a description of the item to be procured
6 and the intended sole source contractor. This notice must be
7 posted in the online electronic Procurement Bulletin before a
8 sole source contract is awarded and at least 14 calendar days
9 before the hearing required by Section 20-25.

10 (d) Other required disclosure. The applicable chief
11 procurement officer shall provide by rule for the organized
12 publication of all other disclosure required in other Sections
13 of this Code in a timely manner.

14 (e) The changes to subsections (b), (c), (c-5), (c-10), and
15 (c-15) of this Section made by this amendatory Act of the 96th
16 General Assembly apply to reports submitted, offers made, and
17 notices on contracts executed on or after its effective date.

18 (f) Each chief procurement officer shall, in consultation
19 with the agencies under his or her jurisdiction, provide the
20 Procurement Policy Board with the information and resources
21 necessary, and in a manner, to effectuate the purpose of this
22 amendatory Act of the 96th General Assembly.

23 (Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14;
24 98-1076, eff. 1-1-15.)

1 Sec. 15-30. Electronic Bulletin clearinghouse.

2 (a) The Procurement Policy Board shall maintain on its
3 official website a searchable database containing all
4 information required to be included in the Illinois Procurement
5 Bulletin under subsections (b), (c), (c-10), and (c-15) of
6 Section 15-25 and all information required to be disclosed
7 under Section 50-41. The posting of procurement information on
8 the website is subject to the same posting requirements as the
9 online electronic Bulletin.

10 (b) For the purposes of this Section, searchable means
11 searchable and sortable by awarded ~~successful~~ ~~responsible~~
12 bidder, offeror, potential contractor, or contractor, for
13 emergency purchases, business or person contracted with; the
14 contract price or total cost; the service or supply ~~good~~; the
15 purchasing State agency; and the date first offered or
16 announced.

17 (c) The applicable chief procurement officer shall provide
18 the Procurement Policy Board the information and resources
19 necessary, and in a manner, to effectuate the purpose of this
20 Section.

21 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

22 (30 ILCS 500/20-10)

23 (Text of Section before amendment by P.A. 99-906)

24 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
25 and 98-1076)

1 Sec. 20-10. Competitive sealed bidding; reverse auction.

2 (a) Conditions for use. All contracts shall be awarded by
3 competitive sealed bidding except as otherwise provided in
4 Section 20-5.

5 (b) Invitation for bids. An invitation for bids shall be
6 issued and shall include a purchase description and the
7 material contractual terms and conditions applicable to the
8 procurement.

9 (c) Public notice. Public notice of the invitation for bids
10 shall be published in the Illinois Procurement Bulletin at
11 least 14 calendar days before the date set in the invitation
12 for the opening of bids.

13 (d) Bid opening. Bids shall be opened publicly or through
14 an electronic procurement system in the presence of one or more
15 witnesses at the time and place designated in the invitation
16 for bids. The name of each bidder, the amount of each bid, and
17 other relevant information as may be specified by rule shall be
18 recorded. After the award of the contract, the winning bid and
19 the record of each unsuccessful bid shall be open to public
20 inspection.

21 (e) Bid acceptance and bid evaluation. Bids shall be
22 unconditionally accepted without alteration or correction,
23 except as authorized in this Code. Bids shall be evaluated
24 based on the requirements set forth in the invitation for bids,
25 which may include criteria to determine acceptability such as
26 inspection, testing, quality, workmanship, delivery, and

1 suitability for a particular purpose. Those criteria that will
2 affect the bid price and be considered in evaluation for award,
3 such as discounts, transportation costs, and total or life
4 cycle costs, shall be objectively measurable. The invitation
5 for bids shall set forth the evaluation criteria to be used.

6 (f) Correction or withdrawal of bids. Correction or
7 withdrawal of inadvertently erroneous bids before or after
8 award, or cancellation of awards of contracts based on bid
9 mistakes, shall be permitted in accordance with rules. After
10 bid opening, no changes in bid prices or other provisions of
11 bids prejudicial to the interest of the State or fair
12 competition shall be permitted. All decisions to permit the
13 correction or withdrawal of bids based on bid mistakes shall be
14 supported by written determination made by a State purchasing
15 officer.

16 (g) Award. The contract shall be awarded with reasonable
17 promptness by written notice to the lowest responsible and
18 responsive bidder whose bid meets the requirements and criteria
19 set forth in the invitation for bids, except when a State
20 purchasing officer determines it is not in the best interest of
21 the State and by written explanation determines another bidder
22 shall receive the award. The explanation shall appear in the
23 appropriate volume of the Illinois Procurement Bulletin. The
24 written explanation must include:

25 (1) a description of the agency's needs;

26 (2) a determination that the anticipated cost will be

1 fair and reasonable;

2 (3) a listing of all responsible and responsive
3 bidders; and

4 (4) the name of the bidder selected, the total contract
5 price, and the reasons for selecting that bidder.

6 Each chief procurement officer may adopt guidelines to
7 implement the requirements of this subsection (g).

8 The written explanation shall be filed with the Legislative
9 Audit Commission and the Procurement Policy Board, and be made
10 available for inspection by the public, within 30 calendar days
11 after the agency's decision to award the contract.

12 (h) Multi-step sealed bidding. When it is considered
13 impracticable to initially prepare a purchase description to
14 support an award based on price, an invitation for bids may be
15 issued requesting the submission of unpriced offers to be
16 followed by an invitation for bids limited to those bidders
17 whose offers have been qualified under the criteria set forth
18 in the first solicitation.

19 (i) Alternative procedures. Notwithstanding any other
20 provision of this Act to the contrary, the Director of the
21 Illinois Power Agency may create alternative bidding
22 procedures to be used in procuring professional services under
23 subsection (a) of Section 1-75 and subsection (d) of Section
24 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
25 of the Public Utilities Act and to procure renewable energy
26 resources under Section 1-56 of the Illinois Power Agency Act.

1 These alternative procedures shall be set forth together with
2 the other criteria contained in the invitation for bids, and
3 shall appear in the appropriate volume of the Illinois
4 Procurement Bulletin.

5 (j) Reverse auction. Notwithstanding any other provision
6 of this Section and in accordance with rules adopted by the
7 chief procurement officer, that chief procurement officer may
8 procure supplies or services through a competitive electronic
9 auction bidding process after the chief procurement officer
10 determines that the use of such a process will be in the best
11 interest of the State. The chief procurement officer shall
12 publish that determination in his or her next volume of the
13 Illinois Procurement Bulletin.

14 An invitation for bids shall be issued and shall include
15 (i) a procurement description, (ii) all contractual terms,
16 whenever practical, and (iii) conditions applicable to the
17 procurement, including a notice that bids will be received in
18 an electronic auction manner.

19 Public notice of the invitation for bids shall be given in
20 the same manner as provided in subsection (c).

21 Bids shall be accepted electronically at the time and in
22 the manner designated in the invitation for bids. During the
23 auction, a bidder's price shall be disclosed to other bidders.
24 Bidders shall have the opportunity to reduce their bid prices
25 during the auction. At the conclusion of the auction, the
26 record of the bid prices received and the name of each bidder

1 shall be open to public inspection.

2 After the auction period has terminated, withdrawal of bids
3 shall be permitted as provided in subsection (f).

4 The contract shall be awarded within 60 calendar days after
5 the auction by written notice to the lowest responsible bidder,
6 or all bids shall be rejected except as otherwise provided in
7 this Code. Extensions of the date for the award may be made by
8 mutual written consent of the State purchasing officer and the
9 lowest responsible bidder.

10 This subsection does not apply to (i) procurements of
11 professional and artistic services, (ii) telecommunications
12 services, communication services, and information services,
13 and (iii) contracts for construction projects, including
14 design professional services.

15 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
16 98-1076, eff. 1-1-15.)

17 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
18 and 98-1076)

19 Sec. 20-10. Competitive sealed bidding; reverse auction.

20 (a) Conditions for use. All contracts shall be awarded by
21 competitive sealed bidding except as otherwise provided in
22 Section 20-5.

23 (b) Invitation for bids. An invitation for bids shall be
24 issued and shall include a purchase description and the
25 material contractual terms and conditions applicable to the

1 procurement.

2 (c) Public notice. Public notice of the invitation for bids
3 shall be published in the Illinois Procurement Bulletin at
4 least 14 calendar days before the date set in the invitation
5 for the opening of bids.

6 (d) Bid opening. Bids shall be opened publicly or through
7 an electronic procurement system in the presence of one or more
8 witnesses at the time and place designated in the invitation
9 for bids. The name of each bidder, the amount of each bid, and
10 other relevant information as may be specified by rule shall be
11 recorded. After the award of the contract, the winning bid and
12 the record of each unsuccessful bid shall be open to public
13 inspection.

14 (e) Bid acceptance and bid evaluation. Bids shall be
15 unconditionally accepted without alteration or correction,
16 except as authorized in this Code. Bids shall be evaluated
17 based on the requirements set forth in the invitation for bids,
18 which may include criteria to determine acceptability such as
19 inspection, testing, quality, workmanship, delivery, and
20 suitability for a particular purpose. Those criteria that will
21 affect the bid price and be considered in evaluation for award,
22 such as discounts, transportation costs, and total or life
23 cycle costs, shall be objectively measurable. The invitation
24 for bids shall set forth the evaluation criteria to be used.

25 (f) Correction or withdrawal of bids. Correction or
26 withdrawal of inadvertently erroneous bids before or after

1 award, or cancellation of awards of contracts based on bid
2 mistakes, shall be permitted in accordance with rules. After
3 bid opening, no changes in bid prices or other provisions of
4 bids prejudicial to the interest of the State or fair
5 competition shall be permitted. All decisions to permit the
6 correction or withdrawal of bids based on bid mistakes shall be
7 supported by written determination made by a State purchasing
8 officer.

9 (g) Award. The contract shall be awarded with reasonable
10 promptness by written notice to the lowest responsible and
11 responsive bidder whose bid meets the requirements and criteria
12 set forth in the invitation for bids, except when a State
13 purchasing officer determines it is not in the best interest of
14 the State and by written explanation determines another bidder
15 shall receive the award. The explanation shall appear in the
16 appropriate volume of the Illinois Procurement Bulletin. The
17 written explanation must include:

18 (1) a description of the agency's needs;

19 (2) a determination that the anticipated cost will be
20 fair and reasonable;

21 (3) a listing of all responsible and responsive
22 bidders; and

23 (4) the name of the bidder selected, the total contract
24 price, and the reasons for selecting that bidder.

25 Each chief procurement officer may adopt guidelines to
26 implement the requirements of this subsection (g).

1 The written explanation shall be filed with the Legislative
2 Audit Commission and the Procurement Policy Board, and be made
3 available for inspection by the public, within 30 days after
4 the agency's decision to award the contract.

5 (h) Multi-step sealed bidding. When it is considered
6 impracticable to initially prepare a purchase description to
7 support an award based on price, an invitation for bids may be
8 issued requesting the submission of unpriced offers to be
9 followed by an invitation for bids limited to those bidders
10 whose offers have been qualified under the criteria set forth
11 in the first solicitation.

12 (i) Alternative procedures. Notwithstanding any other
13 provision of this Act to the contrary, the Director of the
14 Illinois Power Agency may create alternative bidding
15 procedures to be used in procuring professional services under
16 subsection (a) of Section 1-75 and subsection (d) of Section
17 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
18 of the Public Utilities Act and to procure renewable energy
19 resources under Section 1-56 of the Illinois Power Agency Act.
20 These alternative procedures shall be set forth together with
21 the other criteria contained in the invitation for bids, and
22 shall appear in the appropriate volume of the Illinois
23 Procurement Bulletin.

24 (j) Reverse auction. Notwithstanding any other provision
25 of this Section and in accordance with rules adopted by the
26 chief procurement officer, that chief procurement officer may

1 procure supplies or services through a competitive electronic
2 auction bidding process after the chief procurement officer
3 determines that the use of such a process will be in the best
4 interest of the State. The chief procurement officer shall
5 publish that determination in his or her next volume of the
6 Illinois Procurement Bulletin.

7 An invitation for bids shall be issued and shall include
8 (i) a procurement description, (ii) all contractual terms,
9 whenever practical, and (iii) conditions applicable to the
10 procurement, including a notice that bids will be received in
11 an electronic auction manner.

12 Public notice of the invitation for bids shall be given in
13 the same manner as provided in subsection (c).

14 Bids shall be accepted electronically at the time and in
15 the manner designated in the invitation for bids. During the
16 auction, a bidder's price shall be disclosed to other bidders.
17 Bidders shall have the opportunity to reduce their bid prices
18 during the auction. At the conclusion of the auction, the
19 record of the bid prices received and the name of each bidder
20 shall be open to public inspection.

21 After the auction period has terminated, withdrawal of bids
22 shall be permitted as provided in subsection (f).

23 The contract shall be awarded within 60 calendar days after
24 the auction by written notice to the lowest responsible bidder,
25 or all bids shall be rejected except as otherwise provided in
26 this Code. Extensions of the date for the award may be made by

1 mutual written consent of the State purchasing officer and the
2 lowest responsible bidder.

3 This subsection does not apply to (i) procurements of
4 professional and artistic services, (ii) telecommunications
5 services, communication services, and information services,
6 and (iii) contracts for construction projects, including
7 design professional services.

8 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
9 98-1076, eff. 1-1-15.)

10 (Text of Section after amendment by P.A. 99-906)

11 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
12 98-1076, and 99-906)

13 Sec. 20-10. Competitive sealed bidding; reverse auction.

14 (a) Conditions for use. All contracts shall be awarded by
15 competitive sealed bidding except as otherwise provided in
16 Section 20-5.

17 (b) Invitation for bids. An invitation for bids shall be
18 issued and shall include a purchase description and the
19 material contractual terms and conditions applicable to the
20 procurement.

21 (c) Public notice. Public notice of the invitation for bids
22 shall be published in the Illinois Procurement Bulletin at
23 least 14 calendar days before the date set in the invitation
24 for the opening of bids.

25 (d) Bid opening. Bids shall be opened publicly or through

1 an electronic procurement system in the presence of one or more
2 witnesses at the time and place designated in the invitation
3 for bids. The name of each bidder, the amount of each bid, and
4 other relevant information as may be specified by rule shall be
5 recorded. After the award of the contract, the winning bid and
6 the record of each unsuccessful bid shall be open to public
7 inspection.

8 (e) Bid acceptance and bid evaluation. Bids shall be
9 unconditionally accepted without alteration or correction,
10 except as authorized in this Code. Bids shall be evaluated
11 based on the requirements set forth in the invitation for bids,
12 which may include criteria to determine acceptability such as
13 inspection, testing, quality, workmanship, delivery, and
14 suitability for a particular purpose. Those criteria that will
15 affect the bid price and be considered in evaluation for award,
16 such as discounts, transportation costs, and total or life
17 cycle costs, shall be objectively measurable. The invitation
18 for bids shall set forth the evaluation criteria to be used.

19 (f) Correction or withdrawal of bids. Correction or
20 withdrawal of inadvertently erroneous bids before or after
21 award, or cancellation of awards of contracts based on bid
22 mistakes, shall be permitted in accordance with rules. After
23 bid opening, no changes in bid prices or other provisions of
24 bids prejudicial to the interest of the State or fair
25 competition shall be permitted. All decisions to permit the
26 correction or withdrawal of bids based on bid mistakes shall be

1 supported by written determination made by a State purchasing
2 officer.

3 (g) Award. The contract shall be awarded with reasonable
4 promptness by written notice to the lowest responsible and
5 responsive bidder whose bid meets the requirements and criteria
6 set forth in the invitation for bids, except when a State
7 purchasing officer determines it is not in the best interest of
8 the State and by written explanation determines another bidder
9 shall receive the award. The explanation shall appear in the
10 appropriate volume of the Illinois Procurement Bulletin. The
11 written explanation must include:

- 12 (1) a description of the agency's needs;
13 (2) a determination that the anticipated cost will be
14 fair and reasonable;
15 (3) a listing of all responsible and responsive
16 bidders; and
17 (4) the name of the bidder selected, the total contract
18 price, and the reasons for selecting that bidder.

19 Each chief procurement officer may adopt guidelines to
20 implement the requirements of this subsection (g).

21 The written explanation shall be filed with the Legislative
22 Audit Commission and the Procurement Policy Board, and be made
23 available for inspection by the public, within 30 calendar days
24 after the agency's decision to award the contract.

25 (h) Multi-step sealed bidding. When it is considered
26 impracticable to initially prepare a purchase description to

1 support an award based on price, an invitation for bids may be
2 issued requesting the submission of unpriced offers to be
3 followed by an invitation for bids limited to those bidders
4 whose offers have been qualified under the criteria set forth
5 in the first solicitation.

6 (i) Alternative procedures. Notwithstanding any other
7 provision of this Act to the contrary, the Director of the
8 Illinois Power Agency may create alternative bidding
9 procedures to be used in procuring professional services under
10 Section 1-56, subsections (a) and (c) of Section 1-75 and
11 subsection (d) of Section 1-78 of the Illinois Power Agency Act
12 and Section 16-111.5(c) of the Public Utilities Act and to
13 procure renewable energy resources under Section 1-56 of the
14 Illinois Power Agency Act. These alternative procedures shall
15 be set forth together with the other criteria contained in the
16 invitation for bids, and shall appear in the appropriate volume
17 of the Illinois Procurement Bulletin.

18 (j) Reverse auction. Notwithstanding any other provision
19 of this Section and in accordance with rules adopted by the
20 chief procurement officer, that chief procurement officer may
21 procure supplies or services through a competitive electronic
22 auction bidding process after the chief procurement officer
23 determines that the use of such a process will be in the best
24 interest of the State. The chief procurement officer shall
25 publish that determination in his or her next volume of the
26 Illinois Procurement Bulletin.

1 An invitation for bids shall be issued and shall include
2 (i) a procurement description, (ii) all contractual terms,
3 whenever practical, and (iii) conditions applicable to the
4 procurement, including a notice that bids will be received in
5 an electronic auction manner.

6 Public notice of the invitation for bids shall be given in
7 the same manner as provided in subsection (c).

8 Bids shall be accepted electronically at the time and in
9 the manner designated in the invitation for bids. During the
10 auction, a bidder's price shall be disclosed to other bidders.
11 Bidders shall have the opportunity to reduce their bid prices
12 during the auction. At the conclusion of the auction, the
13 record of the bid prices received and the name of each bidder
14 shall be open to public inspection.

15 After the auction period has terminated, withdrawal of bids
16 shall be permitted as provided in subsection (f).

17 The contract shall be awarded within 60 calendar days after
18 the auction by written notice to the lowest responsible bidder,
19 or all bids shall be rejected except as otherwise provided in
20 this Code. Extensions of the date for the award may be made by
21 mutual written consent of the State purchasing officer and the
22 lowest responsible bidder.

23 This subsection does not apply to (i) procurements of
24 professional and artistic services, (ii) telecommunications
25 services, communication services, and information services,
26 and (iii) contracts for construction projects, including

1 design professional services.

2 (Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

3 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
4 98-1076, and 99-906)

5 Sec. 20-10. Competitive sealed bidding; reverse auction.

6 (a) Conditions for use. All contracts shall be awarded by
7 competitive sealed bidding except as otherwise provided in
8 Section 20-5.

9 (b) Invitation for bids. An invitation for bids shall be
10 issued and shall include a purchase description and the
11 material contractual terms and conditions applicable to the
12 procurement.

13 (c) Public notice. Public notice of the invitation for bids
14 shall be published in the Illinois Procurement Bulletin at
15 least 14 calendar days before the date set in the invitation
16 for the opening of bids.

17 (d) Bid opening. Bids shall be opened publicly or through
18 an electronic procurement system in the presence of one or more
19 witnesses at the time and place designated in the invitation
20 for bids. The name of each bidder, the amount of each bid, and
21 other relevant information as may be specified by rule shall be
22 recorded. After the award of the contract, the winning bid and
23 the record of each unsuccessful bid shall be open to public
24 inspection.

25 (e) Bid acceptance and bid evaluation. Bids shall be

1 unconditionally accepted without alteration or correction,
2 except as authorized in this Code. Bids shall be evaluated
3 based on the requirements set forth in the invitation for bids,
4 which may include criteria to determine acceptability such as
5 inspection, testing, quality, workmanship, delivery, and
6 suitability for a particular purpose. Those criteria that will
7 affect the bid price and be considered in evaluation for award,
8 such as discounts, transportation costs, and total or life
9 cycle costs, shall be objectively measurable. The invitation
10 for bids shall set forth the evaluation criteria to be used.

11 (f) Correction or withdrawal of bids. Correction or
12 withdrawal of inadvertently erroneous bids before or after
13 award, or cancellation of awards of contracts based on bid
14 mistakes, shall be permitted in accordance with rules. After
15 bid opening, no changes in bid prices or other provisions of
16 bids prejudicial to the interest of the State or fair
17 competition shall be permitted. All decisions to permit the
18 correction or withdrawal of bids based on bid mistakes shall be
19 supported by written determination made by a State purchasing
20 officer.

21 (g) Award. The contract shall be awarded with reasonable
22 promptness by written notice to the lowest responsible and
23 responsive bidder whose bid meets the requirements and criteria
24 set forth in the invitation for bids, except when a State
25 purchasing officer determines it is not in the best interest of
26 the State and by written explanation determines another bidder

1 shall receive the award. The explanation shall appear in the
2 appropriate volume of the Illinois Procurement Bulletin. The
3 written explanation must include:

4 (1) a description of the agency's needs;

5 (2) a determination that the anticipated cost will be
6 fair and reasonable;

7 (3) a listing of all responsible and responsive
8 bidders; and

9 (4) the name of the bidder selected, the total contract
10 price, and the reasons for selecting that bidder.

11 Each chief procurement officer may adopt guidelines to
12 implement the requirements of this subsection (g).

13 The written explanation shall be filed with the Legislative
14 Audit Commission and the Procurement Policy Board, and be made
15 available for inspection by the public, within 30 days after
16 the agency's decision to award the contract.

17 (h) Multi-step sealed bidding. When it is considered
18 impracticable to initially prepare a purchase description to
19 support an award based on price, an invitation for bids may be
20 issued requesting the submission of unpriced offers to be
21 followed by an invitation for bids limited to those bidders
22 whose offers have been qualified under the criteria set forth
23 in the first solicitation.

24 (i) Alternative procedures. Notwithstanding any other
25 provision of this Act to the contrary, the Director of the
26 Illinois Power Agency may create alternative bidding

1 procedures to be used in procuring professional services under
2 subsections (a) and (c) of Section 1-75 and subsection (d) of
3 Section 1-78 of the Illinois Power Agency Act and Section
4 16-111.5(c) of the Public Utilities Act and to procure
5 renewable energy resources under Section 1-56 of the Illinois
6 Power Agency Act. These alternative procedures shall be set
7 forth together with the other criteria contained in the
8 invitation for bids, and shall appear in the appropriate volume
9 of the Illinois Procurement Bulletin.

10 (j) Reverse auction. Notwithstanding any other provision
11 of this Section and in accordance with rules adopted by the
12 chief procurement officer, that chief procurement officer may
13 procure supplies or services through a competitive electronic
14 auction bidding process after the chief procurement officer
15 determines that the use of such a process will be in the best
16 interest of the State. The chief procurement officer shall
17 publish that determination in his or her next volume of the
18 Illinois Procurement Bulletin.

19 An invitation for bids shall be issued and shall include
20 (i) a procurement description, (ii) all contractual terms,
21 whenever practical, and (iii) conditions applicable to the
22 procurement, including a notice that bids will be received in
23 an electronic auction manner.

24 Public notice of the invitation for bids shall be given in
25 the same manner as provided in subsection (c).

26 Bids shall be accepted electronically at the time and in

1 the manner designated in the invitation for bids. During the
2 auction, a bidder's price shall be disclosed to other bidders.
3 Bidders shall have the opportunity to reduce their bid prices
4 during the auction. At the conclusion of the auction, the
5 record of the bid prices received and the name of each bidder
6 shall be open to public inspection.

7 After the auction period has terminated, withdrawal of bids
8 shall be permitted as provided in subsection (f).

9 The contract shall be awarded within 60 calendar days after
10 the auction by written notice to the lowest responsible bidder,
11 or all bids shall be rejected except as otherwise provided in
12 this Code. Extensions of the date for the award may be made by
13 mutual written consent of the State purchasing officer and the
14 lowest responsible bidder.

15 This subsection does not apply to (i) procurements of
16 professional and artistic services, (ii) telecommunications
17 services, communication services, and information services,
18 and (iii) contracts for construction projects, including
19 design professional services.

20 (Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

21 (30 ILCS 500/20-15)

22 Sec. 20-15. Competitive sealed proposals.

23 (a) Conditions for use. When provided under this Code or
24 under rules, or when the purchasing agency determines in
25 writing that the use of competitive sealed bidding is either

1 not practicable or not advantageous to the State, a contract
2 may be entered into by competitive sealed proposals.

3 (b) Request for proposals. Proposals shall be solicited
4 through a request for proposals.

5 (c) Public notice. Public notice of the request for
6 proposals shall be published in the Illinois Procurement
7 Bulletin at least 14 calendar days before the date set in the
8 invitation for the opening of proposals.

9 (d) Receipt of proposals. Proposals shall be opened
10 publicly or via an electronic procurement system in the
11 presence of one or more witnesses at the time and place
12 designated in the request for proposals, but proposals shall be
13 opened in a manner to avoid disclosure of contents to competing
14 offerors during the process of negotiation. A record of
15 proposals shall be prepared and shall be open for public
16 inspection after contract award.

17 (e) Evaluation factors. The requests for proposals shall
18 state the relative importance of price and other evaluation
19 factors. Proposals shall be submitted in 2 parts: the first,
20 covering items except price; and the second, covering price.
21 The first part of all proposals shall be evaluated and ranked
22 independently of the second part of all proposals.

23 (f) Discussion with responsible offerors and revisions of
24 offers or proposals. As provided in the request for proposals
25 and under rules, discussions may be conducted with responsible
26 offerors who submit offers or proposals determined to be

1 reasonably susceptible of being selected for award for the
2 purpose of clarifying and assuring full understanding of and
3 responsiveness to the solicitation requirements. Those
4 offerors shall be accorded fair and equal treatment with
5 respect to any opportunity for discussion and revision of
6 proposals. Revisions may be permitted after submission and
7 before award for the purpose of obtaining best and final
8 offers. In conducting discussions there shall be no disclosure
9 of any information derived from proposals submitted by
10 competing offerors. If information is disclosed to any offeror,
11 it shall be provided to all competing offerors.

12 (g) Award. Awards shall be made to the responsible offeror
13 whose proposal is determined in writing to be the most
14 advantageous to the State, taking into consideration price and
15 the evaluation factors set forth in the request for proposals.
16 The contract file shall contain the basis on which the award is
17 made.

18 (Source: P.A. 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/20-20)

20 Sec. 20-20. Small purchases.

21 (a) Amount. Any individual procurement of supplies or
22 services ~~other than professional or artistic services,~~ not
23 exceeding \$100,000 ~~\$10,000~~ and any procurement of construction
24 not exceeding \$100,000, or any individual procurement of
25 professional or artistic services not exceeding \$100,000

1 ~~\$30,000~~ may be made without competitive source selection sealed
2 bidding. Procurements shall not be artificially divided so as
3 to constitute a small purchase under this Section. Any
4 procurement of construction not exceeding \$100,000 may be made
5 by an alternative competitive source selection. The
6 construction agency shall establish rules for an alternative
7 competitive source selection process. This Section does not
8 apply to construction-related professional services contracts
9 awarded in accordance with the provisions of the Architectural,
10 Engineering, and Land Surveying Qualifications Based Selection
11 Act.

12 (b) Adjustment. Each July 1, the small purchase maximum
13 established in subsection (a) shall be adjusted for inflation
14 as determined by the Consumer Price Index for All Urban
15 Consumers as determined by the United States Department of
16 Labor and rounded to the nearest \$100.

17 (c) Based upon rules proposed by the Board and rules
18 promulgated by the chief procurement officers, the small
19 purchase maximum established in subsection (a) may be modified.

20 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

21 (30 ILCS 500/20-25)

22 Sec. 20-25. Sole source procurements.

23 (a) In accordance with standards set by rule, contracts may
24 be awarded without use of the specified method of source
25 selection when there is only one economically feasible source

1 for the item. A State contract may be awarded as a sole source
2 contract ~~procurement~~ unless an interested party submits a
3 written request for a public hearing at which the chief
4 procurement officer and purchasing agency present written
5 justification for the procurement method. Any interested party
6 may present testimony. A sole source contract where a hearing
7 was requested by an interested party may be awarded after the
8 hearing is conducted with the approval of the chief procurement
9 officer.

10 (b) This Section may not be used as a basis for amending a
11 contract for professional or artistic services if the amendment
12 would result in an increase in the amount paid under the
13 contract of more than 5% of the initial award, or would extend
14 the contract term beyond the time reasonably needed for a
15 competitive procurement, not to exceed 2 months.

16 (c) Notice of intent to enter into a sole source contract
17 shall be provided to the Procurement Policy Board and published
18 in the online electronic Bulletin at least 14 calendar days
19 before the public hearing required in subsection (a). The
20 notice shall include the sole source procurement justification
21 form prescribed by the Board, a description of the item to be
22 procured, the intended sole source contractor, and the date,
23 time, and location of the public hearing. A copy of the notice
24 and all documents provided at the hearing shall be included in
25 the subsequent Procurement Bulletin.

26 (d) By August 1 each year, each chief procurement officer

1 shall file a report with the General Assembly identifying each
2 contract the officer sought under the sole source procurement
3 method and providing the justification given for seeking sole
4 source as the procurement method for each of those contracts.

5 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/20-30)

7 Sec. 20-30. Emergency purchases.

8 (a) Conditions for use. In accordance with standards set by
9 rule, a purchasing agency may make emergency procurements
10 without competitive sealed bidding or prior notice when there
11 exists a threat to public health or public safety, or when
12 immediate expenditure is necessary for repairs to State
13 property in order to protect against further loss of or damage
14 to State property, to prevent or minimize serious disruption in
15 critical State services that affect health, safety, or
16 collection of substantial State revenues, or to ensure the
17 integrity of State records; provided, however, that the term of
18 the emergency purchase shall be limited to the time reasonably
19 needed for a competitive procurement, not to exceed 90 calendar
20 days. A contract may be extended beyond 90 calendar days if the
21 chief procurement officer determines additional time is
22 necessary and that the contract scope and duration are limited
23 to the emergency. Prior to execution of the extension, the
24 chief procurement officer must hold a public hearing and
25 provide written justification for all emergency contracts.

1 Members of the public may present testimony. Emergency
2 procurements shall be made with as much competition as is
3 practicable under the circumstances. A written description of
4 the basis for the emergency and reasons for the selection of
5 the particular contractor shall be included in the contract
6 file.

7 (b) Notice. Notice of all emergency procurements shall be
8 provided to the Procurement Policy Board and published in the
9 online electronic Bulletin no later than 5 calendar days after
10 the contract is awarded. Notice of intent to extend an
11 emergency contract shall be provided to the Procurement Policy
12 Board and published in the online electronic Bulletin at least
13 14 calendar days before the public hearing. Notice shall
14 include at least a description of the need for the emergency
15 purchase, the contractor, and if applicable, the date, time,
16 and location of the public hearing. A copy of this notice and
17 all documents provided at the hearing shall be included in the
18 subsequent Procurement Bulletin. Before the next appropriate
19 volume of the Illinois Procurement Bulletin, the purchasing
20 agency shall publish in the Illinois Procurement Bulletin a
21 copy of each written description and reasons and the total cost
22 of each emergency procurement made during the previous month.
23 When only an estimate of the total cost is known at the time of
24 publication, the estimate shall be identified as an estimate
25 and published. When the actual total cost is determined, it
26 shall also be published in like manner before the 10th day of

1 the next succeeding month.

2 (c) Statements ~~Affidavits~~. A chief procurement officer
3 making a procurement under this Section shall file statements
4 ~~affidavits~~ with the Procurement Policy Board and the Auditor
5 General within 10 calendar days after the procurement setting
6 forth the amount expended, the name of the contractor involved,
7 and the conditions and circumstances requiring the emergency
8 procurement. When only an estimate of the cost is available
9 within 10 calendar days after the procurement, the actual cost
10 shall be reported immediately after it is determined. At the
11 end of each fiscal quarter, the Auditor General shall file with
12 the Legislative Audit Commission and the Governor a complete
13 listing of all emergency procurements reported during that
14 fiscal quarter. The Legislative Audit Commission shall review
15 the emergency procurements so reported and, in its annual
16 reports, advise the General Assembly of procurements that
17 appear to constitute an abuse of this Section.

18 (d) Quick purchases. The chief procurement officer may
19 promulgate rules extending the circumstances by which a
20 purchasing agency may make purchases under this Section,
21 including but not limited to the procurement of items available
22 at a discount for a limited period of time.

23 (e) The changes to this Section made by this amendatory Act
24 of the 96th General Assembly apply to procurements executed on
25 or after its effective date.

26 (Source: P.A. 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/20-43)

2 Sec. 20-43. Bidder or offeror authorized to transact
3 business or conduct affairs ~~do business~~ in Illinois. In
4 addition to meeting any other requirement of law or rule, a
5 person (other than an individual acting as a sole proprietor)
6 may qualify as a bidder or offeror under this Code only if the
7 person is a legal entity prior to submitting the bid, offer, or
8 proposal. The legal entity must be authorized to transact
9 business or conduct affairs in Illinois prior to execution of
10 the contract ~~submitting the bid, offer, or proposal~~. This
11 Section shall not apply to construction contracts that are
12 subject to the requirements of Sections 30-20 and 33-10 of this
13 Code. The pre-qualification requirements of Sections 30-20 and
14 33-10 of this Code shall include the requirement that the
15 bidder be registered with the Secretary of State.

16 (Source: P.A. 98-1076, eff. 1-1-15.)

17 (30 ILCS 500/20-80)

18 Sec. 20-80. Contract files.

19 (a) Written determinations. All written determinations
20 required under this Article shall be placed in the contract
21 file maintained by the chief procurement officer.

22 (b) Filing with Comptroller. Whenever a grant, defined
23 pursuant to accounting standards established by the
24 Comptroller, or a contract liability, except for: (1) contracts

1 paid from personal services, or (2) contracts between the State
2 and its employees to defer compensation in accordance with
3 Article 24 of the Illinois Pension Code, exceeding \$20,000 is
4 incurred by any State agency, a copy of the contract, purchase
5 order, grant, or lease shall be filed with the Comptroller
6 within 30 calendar days thereafter. Beginning January 1, 2013,
7 the Comptroller may require that contracts and grants required
8 to be filed with the Comptroller under this Section shall be
9 filed electronically, unless the agency is incapable of filing
10 the contract or grant electronically because it does not
11 possess the necessary technology or equipment. Any State agency
12 that is incapable of electronically filing its contracts or
13 grants shall submit a written statement to the Governor and to
14 the Comptroller attesting to the reasons for its inability to
15 comply. This statement shall include a discussion of what the
16 State agency needs in order to effectively comply with this
17 Section. Prior to requiring electronic filing, the Comptroller
18 shall consult with the Governor as to the feasibility of
19 establishing mutually agreeable technical standards for the
20 electronic document imaging, storage, and transfer of
21 contracts and grants, taking into consideration the technology
22 available to that agency, best practices, and the technological
23 capabilities of State agencies. Nothing in this amendatory Act
24 of the 97th General Assembly shall be construed to impede the
25 implementation of an Enterprise Resource Planning (ERP)
26 system. For each State contract for ~~goods~~, supplies, or

1 services awarded on or after July 1, 2010, the contracting
2 agency shall provide the applicable rate and unit of
3 measurement of the ~~goods,~~ supplies, or services on the contract
4 obligation document as required by the Comptroller. If the
5 contract obligation document that is submitted to the
6 Comptroller contains the rate and unit of measurement of the
7 ~~goods,~~ supplies, or services, the Comptroller shall provide
8 that information on his or her official website. Any
9 cancellation or modification to any such contract liability
10 shall be filed with the Comptroller within 30 calendar days of
11 its execution.

12 (c) Late filing affidavit. When a contract, purchase order,
13 grant, or lease required to be filed by this Section has not
14 been filed within 30 calendar days of execution, the
15 Comptroller shall refuse to issue a warrant for payment
16 thereunder until the agency files with the Comptroller the
17 contract, purchase order, grant, or lease and an affidavit,
18 signed by the chief executive officer of the agency or his or
19 her designee, setting forth an explanation of why the contract
20 liability was not filed within 30 calendar days of execution. A
21 copy of this affidavit shall be filed with the Auditor General.

22 (d) Timely execution of contracts. Except as set forth in
23 subsection (b) of this Section, no ~~no~~ voucher shall be
24 submitted to the Comptroller for a warrant to be drawn for the
25 payment of money from the State treasury or from other funds
26 held by the State Treasurer on account of any contract unless

1 the contract is reduced to writing before the services are
2 performed and filed with the Comptroller. Contractors ~~Vendors~~
3 shall not be paid for any supplies ~~goods~~ that were received or
4 services that were rendered before the contract was reduced to
5 writing and signed by all necessary parties. A chief
6 procurement officer may request an exception to this subsection
7 by submitting a written statement to the Comptroller and
8 Treasurer setting forth the circumstances and reasons why the
9 contract could not be reduced to writing before the supplies
10 were received or services were performed. A waiver of this
11 subsection must be approved by the Comptroller and Treasurer.
12 This Section shall not apply to emergency purchases if notice
13 of the emergency purchase is filed with the Procurement Policy
14 Board and published in the Bulletin as required by this Code.

15 (e) Method of source selection. When a contract is filed
16 with the Comptroller under this Section, the Comptroller's file
17 shall identify the method of source selection used in obtaining
18 the contract.

19 (Source: P.A. 97-932, eff. 8-10-12; 98-1076, eff. 1-1-15.)

20 (30 ILCS 500/20-160)

21 Sec. 20-160. Business entities; certification;
22 registration with the State Board of Elections.

23 (a) For purposes of this Section, the terms "business
24 entity", "contract", "State contract", "contract with a State
25 agency", "State agency", "affiliated entity", and "affiliated

1 person" have the meanings ascribed to those terms in Section
2 50-37.

3 (b) Every bid and offer submitted to and every contract
4 executed by the State on or after January 1, 2009 (the
5 effective date of Public Act 95-971) and every submission to a
6 vendor portal shall contain (1) a certification by the bidder,
7 offeror, vendor, or contractor that either (i) the bidder,
8 offeror, vendor, or contractor is not required to register as a
9 business entity with the State Board of Elections pursuant to
10 this Section or (ii) the bidder, offeror, vendor, or contractor
11 has registered as a business entity with the State Board of
12 Elections and acknowledges a continuing duty to update the
13 registration and (2) a statement that the contract is voidable
14 under Section 50-60 for the bidder's, offeror's, vendor's, or
15 contractor's failure to comply with this Section.

16 (c) Each business entity (i) whose aggregate bids and
17 proposals on State contracts annually total more than \$50,000,
18 (ii) whose aggregate bids and proposals on State contracts
19 combined with the business entity's aggregate annual total
20 value of State contracts exceed \$50,000, or (iii) whose
21 contracts with State agencies, in the aggregate, annually total
22 more than \$50,000 shall register with the State Board of
23 Elections in accordance with Section 9-35 of the Election Code.
24 A business entity required to register under this subsection
25 due to item (i) or (ii) has a continuing duty to ensure that
26 the registration is accurate during the period beginning on the

1 date of registration and ending on the day after the date the
2 contract is awarded; any change in information must be reported
3 to the State Board of Elections 5 business days following such
4 change or no later than a day before the contract is awarded,
5 whichever date is earlier. A business entity required to
6 register under this subsection due to item (iii) has a
7 continuing duty to ensure that the registration is accurate in
8 accordance with subsection (e).

9 (d) Any business entity, not required under subsection (c)
10 to register, whose aggregate bids and proposals on State
11 contracts annually total more than \$50,000, or whose aggregate
12 bids and proposals on State contracts combined with the
13 business entity's aggregate annual total value of State
14 contracts exceed \$50,000, shall register with the State Board
15 of Elections in accordance with Section 9-35 of the Election
16 Code prior to submitting to a State agency the bid or proposal
17 whose value causes the business entity to fall within the
18 monetary description of this subsection. A business entity
19 required to register under this subsection has a continuing
20 duty to ensure that the registration is accurate during the
21 period beginning on the date of registration and ending on the
22 day after the date the contract is awarded. Any change in
23 information must be reported to the State Board of Elections
24 within 5 business days following such change or no later than a
25 day before the contract is awarded, whichever date is earlier.

26 (e) A business entity whose contracts with State agencies,

1 in the aggregate, annually total more than \$50,000 must
2 maintain its registration under this Section and has a
3 continuing duty to ensure that the registration is accurate for
4 the duration of the term of office of the incumbent
5 officeholder awarding the contracts or for a period of 2 years
6 following the expiration or termination of the contracts,
7 whichever is longer. A business entity, required to register
8 under this subsection, has a continuing duty to report any
9 changes on a quarterly basis to the State Board of Elections
10 within 14 calendar days following the last day of January,
11 April, July, and October of each year. Any update pursuant to
12 this paragraph that is received beyond that date is presumed
13 late and the civil penalty authorized by subsection (e) of
14 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
15 assessed.

16 Also, if a business entity required to register under this
17 subsection has a pending bid or offer, any change in
18 information shall be reported to the State Board of Elections
19 within 7 calendar days following such change or no later than a
20 day before the contract is awarded, whichever date is earlier.

21 (f) A business entity's continuing duty under this Section
22 to ensure the accuracy of its registration includes the
23 requirement that the business entity notify the State Board of
24 Elections of any change in information, including but not
25 limited to changes of affiliated entities or affiliated
26 persons.

1 (g) For any bid or offer for a contract with a State agency
2 by a business entity required to register under this Section,
3 the chief procurement officer shall verify that the business
4 entity is required to register under this Section and is in
5 compliance with the registration requirements on the date the
6 bid or offer is due. A chief procurement officer shall not
7 accept a bid or offer if the business entity is not in
8 compliance with the registration requirements as of the date
9 bids or offers are due. Upon discovery of noncompliance with
10 this Section, if the bidder or offeror made a good faith effort
11 to comply with registration efforts prior to the date the bid
12 or offer is due, a chief procurement officer may provide the
13 bidder or offeror 5 business days to achieve compliance. A
14 chief procurement officer may extend the time to prove
15 compliance by as long as necessary in the event that there is a
16 failure within the State Board of Election's registration
17 system.

18 (h) A registration, and any changes to a registration, must
19 include the business entity's verification of accuracy and
20 subjects the business entity to the penalties of the laws of
21 this State for perjury.

22 In addition to any penalty under Section 9-35 of the
23 Election Code, intentional, willful, or material failure to
24 disclose information required for registration shall render
25 the contract, bid, offer, or other procurement relationship
26 voidable by the chief procurement officer if he or she deems it

1 to be in the best interest of the State of Illinois.

2 (i) This Section applies regardless of the method of source
3 selection used in awarding the contract.

4 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;
5 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/25-35)

7 Sec. 25-35. Purchase of coal and postage stamps.

8 (a) Delivery of necessary supplies. To avoid interruption
9 or impediment of delivery of necessary supplies, commodities,
10 and coal, State purchasing officers may approve a State
11 agency's ~~make~~ purchases of or contracts for supplies and
12 commodities after April 30 of a fiscal year when delivery of
13 the supplies and commodities is to be made after June 30 of
14 that fiscal year and payment for which is to be made from
15 appropriations for the next fiscal year.

16 (b) Postage. All postage stamps purchased from State funds
17 must be perforated for identification purposes. A General
18 Assembly member may furnish the U.S. Post Office with a warrant
19 so as to allow for the creation or continuation of a bulk rate
20 mailing fund in the name of the General Assembly member or may
21 furnish a postage meter company or post office with a warrant
22 so as to facilitate the purchase of a postage meter and its
23 stamps. Any postage meter so purchased must also contain a
24 stamp that shall state "Official State Mail".

25 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

1 (30 ILCS 500/25-85 new)

2 Sec. 25-85. Best value procurement.

3 (a) This Section shall apply only to purchases of heavy
4 mobile fleet vehicles and off-road construction equipment
5 procured by or on behalf of:

6 (1) institutions of higher education;

7 (2) the Department of Agriculture;

8 (3) the Department of Transportation; and

9 (4) the Department of Natural Resources.

10 (b) As used in this Section, "best value procurement" means
11 a contract award determined by objective criteria related to
12 price, features, functions, and life-cycle costs that may
13 include the following:

14 (1) total cost of ownership, including warranty, under
15 which all repair costs are borne solely by the warranty
16 provider; repair costs; maintenance costs; fuel
17 consumption; and salvage value;

18 (2) product performance, productivity, and safety
19 standards;

20 (3) the supplier's ability to perform to the contract
21 requirements; and

22 (4) environmental benefits, including reduction of
23 greenhouse gas emissions, reduction of air pollutant
24 emissions, or reduction of toxic or hazardous materials.

25 (c) The department or institution may enter into a contract

1 for heavy mobile fleet vehicles and off-road construction
2 equipment for use by the department or institution by means of
3 best value procurement, using specifications and criteria
4 developed in consultation with the Chief Procurement Officer of
5 each designated department or institution and conducted in
6 accordance with Section 20-15 of this Code.

7 (d) In addition to disclosure of the minimum requirements
8 for qualification, the solicitation document shall specify
9 which business performance measures, in addition to price,
10 shall be given a weighted value. The solicitation shall include
11 a scoring method based on those factors and price in
12 determining the successful offeror. Any evaluation and scoring
13 method shall ensure substantial weight is given to the contract
14 price.

15 (e) Upon written request of any person who has submitted an
16 offer, notice of the award shall be posted in a public place in
17 the offices of the department or institution at least 24 hours
18 before executing the contract or purchase order. If, before
19 making an award, any offeror who has submitted a bid files a
20 protest with the department or institution against the awarding
21 of the contract or purchase order on the ground that his or her
22 offer should have been selected in accordance with the
23 selection criteria in the solicitation document, the contract
24 or purchase order shall not be awarded until either the protest
25 has been withdrawn or the appropriate Chief Procurement Officer
26 has made a final decision as to the action to be taken relative

1 to the protest. Within 10 days after filing a protest, the
2 protesting offeror shall file with the Chief Procurement
3 Officer a full and complete written statement specifying in
4 detail the ground of the protest and the facts in support
5 thereof.

6 (f) The total annual value of vehicles and equipment
7 purchased through best value procurement pursuant to this
8 Section shall be limited to \$20,000,000 per each department or
9 institution.

10 (g) Best value procurement shall only be used on
11 procurements first solicited on or before June 30, 2020.

12 (h) On or before January 1, 2021, the Chief Procurement
13 Officer of each designated department or institution shall
14 prepare an evaluation of the best value procurement pilot
15 program authorized by this Section, including a recommendation
16 on whether or not the process should be continued. The
17 evaluation shall be posted in the applicable volume or volumes
18 of the Illinois Procurement Bulletin on or before January 1,
19 2021.

20 (i) This Section is repealed on January 1, 2021.

21 (30 ILCS 500/35-15)

22 Sec. 35-15. Prequalification.

23 (a) The chief procurement officer for matters other than
24 construction and the higher education chief procurement
25 officer shall each develop appropriate and reasonable

1 prequalification standards and categories of professional and
2 artistic services.

3 (b) The prequalifications and categorizations shall be
4 submitted to the Procurement Policy Board and published for
5 public comment prior to their submission to the Joint Committee
6 on Administrative Rules for approval.

7 (c) The chief procurement officer for matters other than
8 construction and the higher education chief procurement
9 officer shall each also assemble and maintain a comprehensive
10 list of prequalified and categorized businesses and persons.

11 (d) Prequalification shall not be used to bar or prevent
12 any qualified business or person from ~~for~~ bidding or responding
13 to invitations for bid or requests for proposal.

14 (Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

15 (30 ILCS 500/35-30)

16 Sec. 35-30. Awards.

17 (a) All State contracts for professional and artistic
18 services, except as provided in this Section, shall be awarded
19 using the competitive request for proposal process outlined in
20 this Section.

21 (b) For each contract offered, the chief procurement
22 officer, State purchasing officer, or his or her designee shall
23 use the appropriate standard solicitation forms available from
24 the chief procurement officer for matters other than
25 construction or the higher education chief procurement

1 officer.

2 (c) Prepared forms shall be submitted to the chief
3 procurement officer for matters other than construction or the
4 higher education chief procurement officer, whichever is
5 appropriate, for publication in its Illinois Procurement
6 Bulletin and circulation to the chief procurement officer for
7 matters other than construction or the higher education chief
8 procurement officer's list of prequalified vendors. Notice of
9 the offer or request for proposal shall appear at least 14
10 calendar days before the response to the offer is due.

11 (d) All interested respondents shall return their
12 responses to the chief procurement officer for matters other
13 than construction or the higher education chief procurement
14 officer, whichever is appropriate, which shall open and record
15 them. The chief procurement officer for matters other than
16 construction or higher education chief procurement officer
17 then shall forward the responses, together with any information
18 it has available about the qualifications and other State work
19 of the respondents.

20 (e) After evaluation, ranking, and selection, the
21 responsible chief procurement officer, State purchasing
22 officer, or his or her designee shall notify the chief
23 procurement officer for matters other than construction or the
24 higher education chief procurement officer, whichever is
25 appropriate, of the successful respondent and shall forward a
26 copy of the signed contract for the chief procurement officer

1 for matters other than construction or higher education chief
2 procurement officer's file. The chief procurement officer for
3 matters other than construction or higher education chief
4 procurement officer shall publish the names of the responsible
5 procurement decision-maker, the agency letting the contract,
6 the successful respondent, a contract reference, and value of
7 the let contract in the next appropriate volume of the Illinois
8 Procurement Bulletin.

9 (f) For all professional and artistic contracts with
10 annualized value that exceeds \$100,000 ~~\$25,000~~, evaluation and
11 ranking by price are required. Any chief procurement officer or
12 State purchasing officer, but not their designees, may select a
13 respondent other than the lowest respondent by price. In any
14 case, when the contract exceeds the \$100,000 ~~\$25,000~~ threshold
15 and the lowest respondent is not selected, the chief
16 procurement officer or the State purchasing officer shall
17 forward together with the contract notice of who the low
18 respondent by price was and a written decision as to why
19 another was selected to the chief procurement officer for
20 matters other than construction or the higher education chief
21 procurement officer, whichever is appropriate. The chief
22 procurement officer for matters other than construction or
23 higher education chief procurement officer shall publish as
24 provided in subsection (e) of Section 35-30, but shall include
25 notice of the chief procurement officer's or State purchasing
26 officer's written decision.

1 (g) The chief procurement officer for matters other than
2 construction and higher education chief procurement officer
3 may each refine, but not contradict, this Section by
4 promulgating rules for submission to the Procurement Policy
5 Board and then to the Joint Committee on Administrative Rules.
6 Any refinement shall be based on the principles and procedures
7 of the federal Architect-Engineer Selection Law, Public Law
8 92-582 Brooks Act, and the Architectural, Engineering, and Land
9 Surveying Qualifications Based Selection Act; except that
10 pricing shall be an integral part of the selection process.

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/35-35)

13 Sec. 35-35. Exceptions.

14 (a) Exceptions to Section 35-30 are allowed for sole source
15 procurements, emergency procurements, and at the discretion of
16 the chief procurement officer or the State purchasing officer,
17 but not their designees, for professional and artistic
18 contracts that are nonrenewable, one year or less in duration,
19 and have a value of less than \$100,000 ~~\$20,000~~.

20 (b) All exceptions granted under this Article must still be
21 submitted to the chief procurement officer for matters other
22 than construction or the higher education chief procurement
23 officer, whichever is appropriate, and published as provided
24 for in subsection (f) of Section 35-30, shall name the
25 authorizing chief procurement officer or State purchasing

1 officer, and shall include a brief explanation of the reason
2 for the exception.

3 (Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

4 (30 ILCS 500/40-30)

5 Sec. 40-30. Purchase option. Leases ~~Initial leases~~ of all
6 space in entire, free-standing buildings shall include an
7 option to purchase exercisable ~~exercisable~~ by the State,
8 unless the purchasing officer determines that inclusion of such
9 purchase option is not in the State's best interest and makes
10 that determination in writing along with the reasons for making
11 that determination and publishes the written determination in
12 the appropriate volume of the Illinois Procurement Bulletin.
13 Leases from governmental units and not-for-profit entities are
14 exempt from the requirements of this Section.

15 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
16 9-9-16.)

17 (30 ILCS 500/45-15)

18 Sec. 45-15. Soybean oil-based ink and vegetable oil-based
19 ink.

20 (a) As used in this Section:

21 "Digital printing" means a printing method which includes,
22 but is not limited to, the electrostatic process of
23 transferring ink or toner to a substrate. This process may
24 involve the use of photo imaging plates, photoreceptor drums,

1 or belts which hold an electrostatic charge. "Digital printing"
2 is also defined as a process of transferring ink through a
3 print head directly to a substrate, as is done with ink-jet
4 printers.

5 "Offset printing" means lithography, flexography, gravure,
6 or letterpress. "Offset printing" involves the process of
7 transferring ink through static or fixed image plates using an
8 impact method of pressing ink into a substrate.

9 (b) Contracts requiring the procurement of offset printing
10 services shall specify the use of soybean oil-based ink or
11 vegetable oil-based ink unless a State purchasing officer
12 determines that another type of ink is required to assure high
13 quality and reasonable pricing of the printed product.

14 This Section does not apply to digital printing services.

15 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

16 (30 ILCS 500/45-30)

17 Sec. 45-30. Illinois Correctional Industries.
18 Notwithstanding anything to the contrary in other law, each ~~the~~
19 ~~chief procurement officer appointed pursuant to paragraph (4)~~
20 ~~of subsection (a) of~~ Section 10-20 shall, in consultation with
21 Illinois Correctional Industries, a division of the Illinois
22 Department of Corrections (referred to as the "Illinois
23 Correctional Industries" or "ICI") determine for all State
24 agencies under their respective jurisdictions which articles,
25 materials, industry related services, food stuffs, and

1 finished goods that are produced or manufactured by persons
2 confined in institutions and facilities of the Department of
3 Corrections who are participating in Illinois Correctional
4 Industries programs shall be purchased from Illinois
5 Correctional Industries. Each ~~The~~ chief procurement officer
6 appointed pursuant to ~~paragraph (4) of subsection (a) of~~
7 Section 10-20 shall develop and distribute to the appropriate
8 ~~various~~ purchasing and using agencies a listing of all Illinois
9 Correctional Industries products and procedures for
10 implementing this Section.

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/45-45)

13 Sec. 45-45. Small businesses.

14 (a) Set-asides. Each chief procurement officer has
15 authority to designate as small business set-asides a fair
16 proportion of construction, supply, and service contracts for
17 award to small businesses in Illinois. Advertisements for bids
18 or offers for those contracts shall specify designation as
19 small business set-asides. In awarding the contracts, only bids
20 or offers from qualified small businesses shall be considered.

21 (b) Small business. "Small business" means a business that
22 is independently owned and operated and that is not dominant in
23 its field of operation. The chief procurement officer shall
24 establish a detailed definition by rule, using in addition to
25 the foregoing criteria other criteria, including the number of

1 employees and the dollar volume of business. When computing the
2 size status of a potential contractor, annual sales and
3 receipts of the potential contractor and all of its affiliates
4 shall be included. The maximum number of employees and the
5 maximum dollar volume that a small business may have under the
6 rules promulgated by the chief procurement officer may vary
7 from industry to industry to the extent necessary to reflect
8 differing characteristics of those industries, subject to the
9 following limitations:

10 (1) No wholesale business is a small business if its
11 annual sales for its most recently completed fiscal year
12 exceed \$13,000,000.

13 (2) No retail business or business selling services is
14 a small business if its annual sales and receipts exceed
15 \$8,000,000.

16 (3) No manufacturing business is a small business if it
17 employs more than 250 persons.

18 (4) No construction business is a small business if its
19 annual sales and receipts exceed \$14,000,000.

20 (c) Fair proportion. For the purpose of subsection (a), for
21 State agencies of the executive branch, a fair proportion of
22 construction contracts shall be no less than 25% nor more than
23 40% of the annual total contracts for construction.

24 (d) Withdrawal of designation. A small business set-aside
25 designation may be withdrawn by the purchasing agency when
26 deemed in the best interests of the State. Upon withdrawal, all

1 bids or offers shall be rejected, and the bidders or offerors
2 shall be notified of the reason for rejection. The contract
3 shall then be awarded in accordance with this Code without the
4 designation of small business set-aside.

5 (e) Small business specialist. Each ~~The~~ chief procurement
6 officer shall designate one or more individuals ~~a State~~
7 ~~purchasing officer who will be responsible for engaging an~~
8 ~~experienced contract negotiator~~ to serve as its small business
9 specialist. The small business specialists shall collectively
10 work together to accomplish the following duties, ~~whose duties~~
11 ~~shall include:~~

12 (1) Compiling and maintaining a comprehensive list of
13 potential small contractors. In this duty, he or she shall
14 cooperate with the Federal Small Business Administration
15 in locating potential sources for various products and
16 services.

17 (2) Assisting small businesses in complying with the
18 procedures for bidding on State contracts.

19 (3) Examining requests from State agencies for the
20 purchase of property or services to help determine which
21 invitations to bid are to be designated small business
22 set-asides.

23 (4) Making recommendations to the chief procurement
24 officer for the simplification of specifications and terms
25 in order to increase the opportunities for small business
26 participation.

1 (5) Assisting in investigations by purchasing agencies
2 to determine the responsibility of bidders or offerors on
3 small business set-asides.

4 (f) Small business annual report. Each small business
5 specialist ~~The State purchasing officer~~ designated under
6 subsection (e) shall annually before November ~~December~~ 1 report
7 in writing to the General Assembly concerning the awarding of
8 contracts to small businesses. The report shall include the
9 total value of awards made in the preceding fiscal year under
10 the designation of small business set-aside. The report shall
11 also include the total value of awards made to businesses owned
12 by minorities, females, and persons with disabilities, as
13 defined in the Business Enterprise for Minorities, Females, and
14 Persons with Disabilities Act, in the preceding fiscal year
15 under the designation of small business set-aside.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report as required by
18 Section 3.1 of the General Assembly Organization Act.

19 (Source: P.A. 98-1076, eff. 1-1-15.)

20 (30 ILCS 500/45-57)

21 Sec. 45-57. Veterans.

22 (a) Set-aside goal. It is the goal of the State to promote
23 and encourage the continued economic development of small
24 businesses owned and controlled by qualified veterans and that
25 qualified service-disabled veteran-owned small businesses

1 (referred to as SDVOSB) and veteran-owned small businesses
2 (referred to as VOSB) participate in the State's procurement
3 process as both prime contractors and subcontractors. Not less
4 than 3% of the total dollar amount of State contracts, as
5 defined by the Director of Central Management Services, shall
6 be established as a goal to be awarded to SDVOSB and VOSB. That
7 portion of a contract under which the contractor subcontracts
8 with a SDVOSB or VOSB may be counted toward the goal of this
9 subsection. The Department of Central Management Services
10 shall adopt rules to implement compliance with this subsection
11 by all State agencies.

12 (b) Fiscal year reports. By each ~~September~~ November 1, each
13 chief procurement officer shall report to the Department of
14 Central Management Services on all of the following for the
15 immediately preceding fiscal year, and by each March 1 the
16 Department of Central Management Services shall compile and
17 report that information to the General Assembly:

18 (1) The total number of VOSB, and the number of SDVOSB,
19 who submitted bids for contracts under this Code.

20 (2) The total number of VOSB, and the number of SDVOSB,
21 who entered into contracts with the State under this Code
22 and the total value of those contracts.

23 (c) Yearly review and recommendations. Each year, each
24 chief procurement officer shall review the progress of all
25 State agencies under its jurisdiction in meeting the goal
26 described in subsection (a), with input from statewide

1 veterans' service organizations and from the business
2 community, including businesses owned by qualified veterans,
3 and shall make recommendations to be included in the Department
4 of Central Management Services' report to the General Assembly
5 regarding continuation, increases, or decreases of the
6 percentage goal. The recommendations shall be based upon the
7 number of businesses that are owned by qualified veterans and
8 on the continued need to encourage and promote businesses owned
9 by qualified veterans.

10 (d) Governor's recommendations. To assist the State in
11 reaching the goal described in subsection (a), the Governor
12 shall recommend to the General Assembly changes in programs to
13 assist businesses owned by qualified veterans.

14 (e) Definitions. As used in this Section:

15 "Armed forces of the United States" means the United States
16 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in
17 active duty as defined under 38 U.S.C. Section 101. Service in
18 the Merchant Marine that constitutes active duty under Section
19 401 of federal Public Act 95-202 shall also be considered
20 service in the armed forces for purposes of this Section.

21 "Certification" means a determination made by the Illinois
22 Department of Veterans' Affairs and the Department of Central
23 Management Services that a business entity is a qualified
24 service-disabled veteran-owned small business or a qualified
25 veteran-owned small business for whatever purpose. A SDVOSB or
26 VOSB owned and controlled by females, minorities, or persons

1 with disabilities, as those terms are defined in Section 2 of
2 the Business Enterprise for Minorities, Females, and Persons
3 with Disabilities Act, may also select and designate whether
4 that business is to be certified as a "female-owned business",
5 "minority-owned business", or "business owned by a person with
6 a disability", as defined in Section 2 of the Business
7 Enterprise for Minorities, Females, and Persons with
8 Disabilities Act.

9 "Control" means the exclusive, ultimate, majority, or sole
10 control of the business, including but not limited to capital
11 investment and all other financial matters, property,
12 acquisitions, contract negotiations, legal matters,
13 officer-director-employee selection and comprehensive hiring,
14 operation responsibilities, cost-control matters, income and
15 dividend matters, financial transactions, and rights of other
16 shareholders or joint partners. Control shall be real,
17 substantial, and continuing, not pro forma. Control shall
18 include the power to direct or cause the direction of the
19 management and policies of the business and to make the
20 day-to-day as well as major decisions in matters of policy,
21 management, and operations. Control shall be exemplified by
22 possessing the requisite knowledge and expertise to run the
23 particular business, and control shall not include simple
24 majority or absentee ownership.

25 "Qualified service-disabled veteran" means a veteran who
26 has been found to have 10% or more service-connected disability

1 by the United States Department of Veterans Affairs or the
2 United States Department of Defense.

3 "Qualified service-disabled veteran-owned small business"
4 or "SDVOSB" means a small business (i) that is at least 51%
5 owned by one or more qualified service-disabled veterans living
6 in Illinois or, in the case of a corporation, at least 51% of
7 the stock of which is owned by one or more qualified
8 service-disabled veterans living in Illinois; (ii) that has its
9 home office in Illinois; and (iii) for which items (i) and (ii)
10 are factually verified annually by the Department of Central
11 Management Services.

12 "Qualified veteran-owned small business" or "VOSB" means a
13 small business (i) that is at least 51% owned by one or more
14 qualified veterans living in Illinois or, in the case of a
15 corporation, at least 51% of the stock of which is owned by one
16 or more qualified veterans living in Illinois; (ii) that has
17 its home office in Illinois; and (iii) for which items (i) and
18 (ii) are factually verified annually by the Department of
19 Central Management Services.

20 "Service-connected disability" means a disability incurred
21 in the line of duty in the active military, naval, or air
22 service as described in 38 U.S.C. 101(16).

23 "Small business" means a business that has annual gross
24 sales of less than \$75,000,000 as evidenced by the federal
25 income tax return of the business. A firm with gross sales in
26 excess of this cap may apply to the Department of Central

1 Management Services for certification for a particular
2 contract if the firm can demonstrate that the contract would
3 have significant impact on SDVOSB or VOSB as suppliers or
4 subcontractors or in employment of veterans or
5 service-disabled veterans.

6 "State agency" has the meaning provided in Section 1-15.100
7 of this Code ~~same meaning as in Section 2 of the Business~~
8 ~~Enterprise for Minorities, Females, and Persons with~~
9 ~~Disabilities Act.~~

10 "Time of hostilities with a foreign country" means any
11 period of time in the past, present, or future during which a
12 declaration of war by the United States Congress has been or is
13 in effect or during which an emergency condition has been or is
14 in effect that is recognized by the issuance of a Presidential
15 proclamation or a Presidential executive order and in which the
16 armed forces expeditionary medal or other campaign service
17 medals are awarded according to Presidential executive order.

18 "Veteran" means a person who (i) has been a member of the
19 armed forces of the United States or, while a citizen of the
20 United States, was a member of the armed forces of allies of
21 the United States in time of hostilities with a foreign country
22 and (ii) has served under one or more of the following
23 conditions: (a) the veteran served a total of at least 6
24 months; (b) the veteran served for the duration of hostilities
25 regardless of the length of the engagement; (c) the veteran was
26 discharged on the basis of hardship; or (d) the veteran was

1 released from active duty because of a service connected
2 disability and was discharged under honorable conditions.

3 (f) Certification program. The Illinois Department of
4 Veterans' Affairs and the Department of Central Management
5 Services shall work together to devise a certification
6 procedure to assure that businesses taking advantage of this
7 Section are legitimately classified as qualified
8 service-disabled veteran-owned small businesses or qualified
9 veteran-owned small businesses.

10 (g) Penalties.

11 (1) Administrative penalties. The chief procurement
12 officers appointed pursuant to Section 10-20 shall suspend
13 any person who commits a violation of Section 17-10.3 or
14 subsection (d) of Section 33E-6 of the Criminal Code of
15 2012 relating to this Section from bidding on, or
16 participating as a contractor, subcontractor, or supplier
17 in, any State contract or project for a period of not less
18 than 3 years, and, if the person is certified as a
19 service-disabled veteran-owned small business or a
20 veteran-owned small business, then the Department shall
21 revoke the business's certification for a period of not
22 less than 3 years. An additional or subsequent violation
23 shall extend the periods of suspension and revocation for a
24 period of not less than 5 years. The suspension and
25 revocation shall apply to the principals of the business
26 and any subsequent business formed or financed by, or

1 affiliated with, those principals.

2 (2) Reports of violations. Each State agency shall
3 report any alleged violation of Section 17-10.3 or
4 subsection (d) of Section 33E-6 of the Criminal Code of
5 2012 relating to this Section to the chief procurement
6 officers appointed pursuant to Section 10-20. The chief
7 procurement officers appointed pursuant to Section 10-20
8 shall subsequently report all such alleged violations to
9 the Attorney General, who shall determine whether to bring
10 a civil action against any person for the violation.

11 (3) List of suspended persons. The chief procurement
12 officers appointed pursuant to Section 10-20 shall monitor
13 the status of all reported violations of Section 17-10.3 or
14 subsection (d) of Section 33E-6 of the Criminal Code of
15 1961 or the Criminal Code of 2012 relating to this Section
16 and shall maintain and make available to all State agencies
17 a central listing of all persons that committed violations
18 resulting in suspension.

19 (4) Use of suspended persons. During the period of a
20 person's suspension under paragraph (1) of this
21 subsection, a State agency shall not enter into any
22 contract with that person or with any contractor using the
23 services of that person as a subcontractor.

24 (5) Duty to check list. Each State agency shall check
25 the central listing provided by the chief procurement
26 officers appointed pursuant to Section 10-20 under

1 paragraph (3) of this subsection to verify that a person
2 being awarded a contract by that State agency, or to be
3 used as a subcontractor or supplier on a contract being
4 awarded by that State agency, is not under suspension
5 pursuant to paragraph (1) of this subsection.

6 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;
7 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

8 (30 ILCS 500/45-90 new)

9 Sec. 45-90. Small business contracts.

10 (a) Not less than 10% of the total dollar amount of State
11 contracts shall be established as a goal to be awarded as a
12 contract or subcontract to small businesses.

13 (b) The percentage in subsection (a) relates to the total
14 dollar amount of State contracts during each State fiscal year,
15 calculated by examining independently each type of contract for
16 each State official or agency which lets such contracts.

17 (c) Each State agency shall file with its chief procurement
18 officer an annual compliance plan which shall outline the goals
19 for contracting with small businesses for the then-current
20 fiscal year, the manner in which the agency intends to reach
21 these goals, and a timetable for reaching these goals. The
22 chief procurement officer shall review and approve the plan of
23 the agency and may reject any plan that does not comply with
24 this Section.

25 (d) Each State agency shall file with its chief procurement

1 officer an annual report of its utilization of small businesses
2 during the preceding fiscal year, including lapse period
3 spending and a mid-fiscal year report of its utilization to
4 date for the then-current fiscal year. The reports shall
5 include a self-evaluation of the efforts of the State official
6 or agency to meet its goals.

7 (e) The chief procurement officers shall make public
8 presentations, at least once a year, directed at providing
9 information to small businesses about the contracting process
10 and how to apply for contracts or subcontracts.

11 (f) Each chief procurement officer shall file, no later
12 than November 1 of each year, an annual report with the
13 Governor and the General Assembly that shall include, but need
14 not be limited to, the following:

15 (1) a summary of the number of contracts awarded and
16 the average contract amount by each State official or
17 agency; and

18 (2) an analysis of the level of overall goal
19 achievement concerning purchases from small businesses.

20 (g) Each chief procurement officer may adopt rules to
21 implement and administer this Section.

22 (30 ILCS 500/50-2)

23 Sec. 50-2. Continuing disclosure; false certification.
24 Every person that has entered into a ~~multi-year~~ contract for
25 more than one year in duration for the initial term or for any

1 ~~renewal term and every subcontractor with a multi-year~~
2 ~~subcontract~~ shall certify, by January ~~July~~ 1 of each fiscal
3 year covered by the contract after the initial fiscal year, to
4 the ~~responsible~~ chief procurement officer or, if the
5 procurement is under the authority of a chief procurement
6 officer, the applicable procurement officer of any changes that
7 affect its ability ~~whether it continues~~ to satisfy the
8 requirements of this Article pertaining to eligibility for a
9 contract award. If a contractor or subcontractor continues to
10 meet all requirements of this Article, it shall not be required
11 to submit any certification or if the work under the contract
12 has been substantially completed before contract expiration
13 but the contract has not yet expired. If a contractor or
14 subcontractor is not able to truthfully certify that it
15 continues to meet all requirements, it shall provide with its
16 certification a detailed explanation of the circumstances
17 leading to the change in certification status. A contractor or
18 subcontractor that makes a false statement material to any
19 given certification required under this Article is, in addition
20 to any other penalties or consequences prescribed by law,
21 subject to liability under the Illinois False Claims Act for
22 submission of a false claim.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
24 for the effective date of P.A. 96-795); 96-1304, eff. 7-27-10.)

1 Sec. 50-10. Felons.

2 (a) Unless otherwise provided, no person or business
3 convicted of a felony shall do business with the State of
4 Illinois or any State agency, or enter into a subcontract, from
5 the date of conviction until 5 years after the date of
6 completion of the sentence for that felony, unless no person
7 held responsible by a prosecutorial office for the facts upon
8 which the conviction was based continues to have any
9 involvement with the business.

10 For purposes of this subsection (a), "completion of
11 sentence" means completion of all sentencing related to the
12 felony conviction or admission and includes, but is not limited
13 to, the following: incarceration, mandatory supervised
14 release, probation, work release, house arrest, or commitment
15 to a mental facility.

16 (b) Every bid or offer submitted to the State, every
17 contract executed by the State, every subcontract subject to
18 Section 20-120 of this Code, and every vendor's submission to a
19 vendor portal shall contain a certification by the bidder,
20 offeror, potential contractor, contractor, or subcontractor,
21 respectively, that the bidder, offeror, potential contractor,
22 contractor, or subcontractor is not barred from being awarded a
23 contract or subcontract under this Section and acknowledges
24 that the chief procurement officer may declare the related
25 contract void if any of the certifications required by this
26 Section are false. If the false certification is made by a

1 subcontractor, then the contractor's submitted bid or offer and
2 the executed contract may not be declared void, unless the
3 contractor refuses to terminate the subcontract upon the
4 State's request after a finding that the subcontract's
5 certification was false.

6 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

7 (30 ILCS 500/50-10.5)

8 Sec. 50-10.5. Prohibited bidders, offerors, potential
9 contractors, and contractors.

10 (a) Unless otherwise provided, no business shall bid,
11 offer, enter into a contract or subcontract under this Code, or
12 make a submission to a vendor portal if the business or any
13 officer, director, partner, or other managerial agent of the
14 business has been convicted of a felony under the
15 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
16 the Illinois Securities Law of 1953 for a period of 5 years
17 from the date of conviction.

18 (b) Every bid and offer submitted to the State, every
19 contract executed by the State, every vendor's submission to a
20 vendor portal, and every subcontract subject to Section 20-120
21 of this Code shall contain a certification by the bidder,
22 offeror, potential contractor, contractor, or subcontractor,
23 respectively, that the bidder, offeror, potential contractor,
24 contractor, or subcontractor is not barred from being awarded a
25 contract or subcontract under this Section and acknowledges

1 that the chief procurement officer shall declare the related
2 contract void if any of the certifications completed pursuant
3 to this subsection (b) are false. If the false certification is
4 made by a subcontractor, then the contractor's submitted bid or
5 offer and the executed contract may not be declared void,
6 unless the contractor refuses to terminate the subcontract upon
7 the State's request after a finding that the subcontract's
8 certification was false.

9 (c) If a business is not a natural person, the prohibition
10 in subsection (a) applies only if:

11 (1) the business itself is convicted of a felony
12 referenced in subsection (a); or

13 (2) the business is ordered to pay punitive damages
14 based on the conduct of any officer, director, partner, or
15 other managerial agent who has been convicted of a felony
16 referenced in subsection (a).

17 (d) A natural person who is convicted of a felony
18 referenced in subsection (a) remains subject to Section 50-10.

19 (e) No person or business shall bid, offer, make a
20 submission to a vendor portal, or enter into a contract under
21 this Code if the person or business assisted an employee of the
22 State of Illinois, who, by the nature of his or her duties, has
23 the authority to participate personally and substantially in
24 the decision to award a State contract, by reviewing, drafting,
25 directing, or preparing any invitation for bids, a request for
26 proposal, or request for information or provided similar

1 assistance except as part of a publicly issued opportunity to
2 review drafts of all or part of these documents.

3 This subsection does not prohibit a person or business from
4 submitting a bid or offer or entering into a contract if the
5 person or business: (i) initiates a communication with an
6 employee to provide general information about products,
7 services, or industry best practices, ~~and, if applicable, that~~
8 ~~communication is documented in accordance with Section 50-39 or~~
9 (ii) responds to a communication initiated by an employee of
10 the State for the purposes of providing information to evaluate
11 new products, trends, services, or technologies, or (iii) asks
12 for clarification regarding a solicitation, so long as there is
13 no competitive advantage to the person or business and the
14 question and answer, if material, are posted to the Illinois
15 Procurement Bulletin as an addendum to the solicitation.

16 Nothing in this Section prohibits a vendor developing
17 technology, goods, or services from bidding or offering to
18 supply that technology or those goods or services if the
19 subject demonstrated to the State represents industry trends
20 and innovation and is not specifically designed to meet the
21 State's needs.

22 Nothing in this Section prohibits a person performing
23 construction-related services from initiating contact with a
24 business that performs construction for the purpose of
25 obtaining market costs or production time to determine the
26 estimated costs to complete the construction project.

1 For purposes of this subsection (e), "business" includes
2 all individuals with whom a business is affiliated, including,
3 but not limited to, any officer, agent, employee, consultant,
4 independent contractor, director, partner, or manager of a
5 business.

6 No person or business shall submit specifications to a
7 State agency unless requested to do so by an employee of the
8 State. No person or business who contracts with a State agency
9 to write specifications for a particular procurement need shall
10 submit a bid or proposal or receive a contract for that
11 procurement need.

12 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

13 (30 ILCS 500/50-39)

14 Sec. 50-39. Procurement communications reporting
15 requirement.

16 (a) Any written or oral communication received by a State
17 employee who, by the nature of his or her duties, has the
18 authority to participate personally and substantially in the
19 decision to award a State contract and that imparts or requests
20 material information or makes a material argument regarding
21 potential action concerning an active procurement matter,
22 including, but not limited to, an application, a contract, or a
23 project, shall be reported to the Procurement Policy Board,
24 and, with respect to the Illinois Power Agency, by the
25 initiator of the communication, and may be reported also by the

1 recipient.

2 Any person communicating orally, in writing,
3 electronically, or otherwise with the Director or any person
4 employed by, or associated with, the Illinois Power Agency to
5 impart, solicit, or transfer any information related to the
6 content of any power procurement plan, the manner of conducting
7 any power procurement process, the procurement of any power
8 supply, or the method or structure of contracting with power
9 suppliers must disclose to the Procurement Policy Board the
10 full nature, content, and extent of any such communication in
11 writing by submitting a report with the following information:

- 12 (1) The names of any party to the communication.
- 13 (2) The date on which the communication occurred.
- 14 (3) The time at which the communication occurred.
- 15 (4) The duration of the communication.
- 16 (5) The method (written, oral, etc.) of the
17 communication.
- 18 (6) A summary of the substantive content of the
19 communication.

20 These communications do not include the following: (i)
21 statements by a person publicly made in a public forum; (ii)
22 statements regarding matters of procedure and practice, such as
23 format, the number of copies required, the manner of filing,
24 and the status of a matter; (iii) statements made by a State
25 employee of the agency to the agency head or other employees of
26 that agency, to the employees of the Executive Ethics

1 Commission, or to an employee of another State agency who,
2 through the communication, is either (a) exercising his or her
3 experience or expertise in the subject matter of the particular
4 procurement in the normal course of business, for official
5 purposes, and at the initiation of the purchasing agency or the
6 appropriate State purchasing officer, or (b) exercising
7 oversight, supervisory, or management authority over the
8 procurement in the normal course of business and as part of
9 official responsibilities; (iv) unsolicited communications
10 providing general information about products, services, or
11 industry best practices before those products or services
12 become involved in a procurement matter; (v) communications
13 received in response to procurement solicitations, including,
14 but not limited to, vendor responses to a request for
15 information, request for proposal, request for qualifications,
16 invitation for bid, or a small purchase, sole source, or
17 emergency solicitation, or questions and answers posted to the
18 Illinois Procurement Bulletin to supplement the procurement
19 action, provided that the communications are made in accordance
20 with the instructions contained in the procurement
21 solicitation, procedures, or guidelines; (vi) communications
22 that are privileged, protected, or confidential under law; and
23 (vii) communications that are part of a formal procurement
24 process as set out by statute, rule, or the solicitation,
25 guidelines, or procedures, including, but not limited to, the
26 posting of procurement opportunities, the process for

1 approving a procurement business case or its equivalent, fiscal
2 approval, submission of bids, the finalizing of contract terms
3 and conditions with an awardee or apparent awardee, and similar
4 formal procurement processes. The provisions of this Section
5 shall not apply to communications regarding the administration
6 and implementation of an existing contract, except
7 communications regarding change orders or the renewal or
8 extension of a contract.

9 The reporting requirement does not apply to any
10 communication asking for clarification regarding a contract
11 solicitation so long as there is no competitive advantage to
12 the person or business and the question and answer, if
13 material, are posted to the Illinois Procurement Bulletin as an
14 addendum to the contract solicitation.

15 (b) The report required by subsection (a) shall be
16 submitted monthly and include at least the following: (i) the
17 date and time of each communication; (ii) the identity of each
18 person from whom the written or oral communication was
19 received, the individual or entity represented by that person,
20 and any action the person requested or recommended; (iii) the
21 identity and job title of the person to whom each communication
22 was made; (iv) if a response is made, the identity and job
23 title of the person making each response; (v) a detailed
24 summary of the points made by each person involved in the
25 communication; (vi) the duration of the communication; (vii)
26 the location or locations of all persons involved in the

1 communication and, if the communication occurred by telephone,
2 the telephone numbers for the callers and recipients of the
3 communication; and (viii) any other pertinent information. No
4 trade secrets or other proprietary or confidential information
5 shall be included in any communication reported to the
6 Procurement Policy Board.

7 (c) Additionally, when an oral communication made by a
8 person required to register under the Lobbyist Registration Act
9 is received by a State employee that is covered under this
10 Section, all individuals who initiate or participate in the
11 oral communication shall submit a written report to that State
12 employee that memorializes the communication and includes, but
13 is not limited to, the items listed in subsection (b).

14 (d) The Procurement Policy Board shall make each report
15 submitted pursuant to this Section available on its website
16 within 7 calendar days after its receipt of the report. The
17 Procurement Policy Board may promulgate rules to ensure
18 compliance with this Section.

19 (e) The reporting requirements shall also be conveyed
20 through ethics training under the State Officials and Employees
21 Ethics Act. An employee who knowingly and intentionally
22 violates this Section shall be subject to suspension or
23 discharge. The Executive Ethics Commission shall promulgate
24 rules, including emergency rules, to implement this Section.

25 (f) This Section becomes operative on January 1, 2011.

26 (g) For purposes of this Section:

1 "Active procurement matter" means a procurement process
2 beginning with requisition or determination of need by an
3 agency and continuing through the publication of an award
4 notice or other completion of a final procurement action, the
5 resolution of any protests, and the expiration of any protest
6 or Procurement Policy Board review period, if applicable.
7 "Active procurement matter" also includes communications
8 relating to change orders, renewals, or extensions.

9 "Material information" means information that a reasonable
10 person would deem important in determining his or her course of
11 action and pertains to significant issues, including, but not
12 limited to, price, quantity, and terms of payment or
13 performance.

14 "Material argument" means a communication that a
15 reasonable person would believe was made for the purpose of
16 influencing a decision relating to a procurement matter.
17 "Material argument" does not include general information about
18 products, services, or industry best practices or a response to
19 a communication initiated by an employee of the State for the
20 purposes of providing information to evaluate new products,
21 trends, services, or technologies.

22 (Source: P.A. 97-333, eff. 8-12-11; 97-618, eff. 10-26-11;
23 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

24 (30 ILCS 500/50-40)

25 Sec. 50-40. Reporting and anticompetitive practices. When,

1 for any reason, any vendor, bidder, offeror, potential
2 contractor, contractor, chief procurement officer, State
3 purchasing officer, designee, elected official, or State
4 employee suspects collusion or other anticompetitive practice
5 among any bidders, offerors, potential contractors,
6 contractors, or employees of the State, a notice of the
7 relevant facts shall be transmitted to the appropriate
8 Inspector General, the Attorney General, and the chief
9 procurement officer.

10 (Source: P.A. 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/50-45)

12 Sec. 50-45. Confidentiality. Any chief procurement
13 officer, State purchasing officer, designee, ~~or~~ executive
14 officer, or State employee who willfully uses or allows the use
15 of specifications, competitive solicitation documents,
16 proprietary competitive information, contracts, or selection
17 information to compromise the fairness or integrity of the
18 procurement or contract process shall be subject to immediate
19 dismissal, regardless of the Personnel Code, any contract, or
20 any collective bargaining agreement, and may in addition be
21 subject to criminal prosecution.

22 (Source: P.A. 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/53-10)

24 Sec. 53-10. Concessions and leases of State property and

1 no-cost contracts.

2 (a) Except for property under the jurisdiction of a public
3 institution of higher education, concessions, including the
4 assignment, license, sale, or transfer of interests in or
5 rights to discoveries, inventions, patents, or copyrightable
6 works, may be entered into by the State agency with
7 jurisdiction over the property, whether tangible or
8 intangible.

9 (b) Except for property under the jurisdiction of a public
10 institution of higher education, all leases of State property
11 and concessions shall be reduced to writing and shall be
12 awarded under the provisions of Article 20, except that the
13 contract shall be awarded to the highest bidder or ~~and~~ best
14 bidder or offeror when the State receives a lease payment, a
15 percentage of sales from the lessee, or in-kind support from
16 the lessee based on the return to the State.

17 (c) Except for property under the jurisdiction of a public
18 institution of higher education, all no-cost procurements
19 shall be reduced to writing and shall be awarded under the
20 provisions of Article 20 of this Code. All awards of no-cost
21 procurements shall identify the estimated business value to the
22 lessee and the value to the State.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
24 for the effective date of changes made by P.A. 96-795).)

25 (30 ILCS 503/Act rep.)

1 Section 20. The Small Business Contracts Act is repealed.

2 Section 25. The Governmental Joint Purchasing Act is
3 amended by changing Sections 1, 2, 3, 4, and 4.2 and by adding
4 Sections 1.1 and 4.05 as follows:

5 (30 ILCS 525/1) (from Ch. 85, par. 1601)

6 Sec. 1. Definitions. For the purposes of this Act,

7 "Governmental ~~governmental~~ unit" means State of Illinois,
8 any State agency as defined in Section 1-15.100 of the Illinois
9 Procurement Code, officers of the State of Illinois, any public
10 authority which has the power to tax, or any other public
11 entity created by statute.

12 "Master contract" means a definite quantity or indefinite
13 quantity contract awarded pursuant to this Act against which
14 subsequent orders may be placed to meet the needs of a
15 governmental unit or qualified not-for-profit agency.

16 "Multiple award" means an award that is made to 2 or more
17 bidders or offerors for similar supplies or services.

18 (Source: P.A. 98-1076, eff. 1-1-15.)

19 (30 ILCS 525/1.1 new)

20 Sec. 1.1. Joint purchasing programs. Each chief
21 procurement officer may establish a joint purchasing program
22 and a cooperative purchasing program.

1 (30 ILCS 525/2) (from Ch. 85, par. 1602)

2 Sec. 2. Joint purchasing authority.

3 (a) Any governmental unit, except a governmental unit
4 subject to the jurisdiction of a chief procurement officer
5 established in Section 10-20 of the Illinois Procurement Code,
6 may purchase personal property, supplies and services jointly
7 with one or more other governmental units. All such joint
8 purchases shall be by competitive solicitation as provided in
9 Section 4 ~~of this Act,~~ except as otherwise provided in this
10 Act. The provisions of any other acts under which a
11 governmental unit operates which refer to purchases and
12 procedures in connection therewith shall be superseded by the
13 provisions of this Act when the governmental units are
14 exercising the joint powers created by this Act.

15 (a-5) For purchases made by a governmental unit subject to
16 the jurisdiction of a chief procurement officer established in
17 Section 10-20 of the Illinois Procurement Code, the applicable
18 ~~A~~ chief procurement officer established in Section 10-20 of the
19 Illinois Procurement Code may authorize the purchase of
20 ~~personal property,~~ supplies, and services jointly with a
21 governmental unit entity of this State, governmental entity of
22 ~~or~~ another state, or with a consortium of governmental entities
23 of one or more other states, except as otherwise provided in
24 this Act. Subject to provisions of the joint purchasing
25 solicitation, the appropriate chief procurement officer may
26 designate the resulting contract as available to governmental

1 units in Illinois.

2 (a-10) Each chief procurement officer appointed pursuant
3 to Section 10-20 of the Illinois Procurement Code, with joint
4 agreement of the respective agency or institution, may
5 authorize the purchase or lease of supplies and services which
6 have been procured through a competitive process by a federal
7 agency; a consortium of governmental, educational, medical,
8 research, or similar entities; or a group purchasing
9 organization of which the chief procurement officer or State
10 agency is a member or affiliate, including, without limitation,
11 any purchasing entity operating under the federal General
12 Services Administration, the Higher Education Cooperation Act,
13 and the Midwestern Higher Education Compact Act. Each
14 applicable chief procurement officer may authorize purchases
15 and contracts which have been procured through other methods of
16 procurement if each chief procurement officer determines it is
17 in the best interests of the State, considering a
18 recommendation by their respective agencies or institutions.
19 The chief procurement officer may establish detailed rules,
20 policies, and procedures for use of these cooperative
21 contracts. Notice of award shall be published by the chief
22 procurement officer in the Illinois Procurement Bulletin at
23 least prior to use of the contract. Each chief procurement
24 officer shall submit to the General Assembly by November 1 of
25 each year a report of procurements made under this subsection
26 (a-10).

1 (b) Any not-for-profit agency that qualifies under Section
2 45-35 of the Illinois Procurement Code and that either (1) acts
3 pursuant to a board established by or controlled by a unit of
4 local government or (2) receives grant funds from the State or
5 from a unit of local government, shall be eligible to
6 participate in contracts established by the State.

7 (c) For governmental units subject to the jurisdiction of a
8 chief procurement officer established in Section 10-20 of the
9 Illinois Procurement Code, if any contract or amendment to a
10 contract is entered into or purchase or expenditure of funds is
11 made at any time in violation of this Act or any other law, the
12 contract or amendment may be declared void by the chief
13 procurement officer or may be ratified and affirmed, if the
14 chief procurement officer determines that ratification is in
15 the best interests of the governmental unit. If the contract or
16 amendment is ratified and affirmed, it shall be without
17 prejudice to the governmental unit's rights to any appropriate
18 damages.

19 (d) This Section does not apply to construction-related
20 professional services contracts awarded in accordance with the
21 provisions of the Architectural, Engineering, and Land
22 Surveying Qualifications Based Selection Act.

23 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

24 (30 ILCS 525/3) (from Ch. 85, par. 1603)

25 Sec. 3. Conduct of competitive procurement. Under any

1 agreement of governmental units that desire to make joint
2 purchases pursuant to subsection (a) of Section 2, one of the
3 governmental units shall conduct the competitive procurement
4 process. Where the State of Illinois is a party to the joint
5 purchase agreement, the appropriate chief procurement officer
6 shall conduct or authorize the competitive procurement
7 process. Expenses of such competitive procurement process may
8 be shared by the participating governmental units in proportion
9 to the amount of personal property, supplies or services each
10 unit purchases.

11 When the State of Illinois is a party to the joint purchase
12 agreement pursuant to subsection (a) of Section 2, the
13 acceptance of responses to the competitive procurement process
14 shall be in accordance with the Illinois Procurement Code and
15 rules promulgated under that Code. When the State of Illinois
16 is not a party to the joint purchase agreement, the acceptance
17 of responses to the competitive procurement process shall be
18 governed by the agreement.

19 When the State of Illinois is a party to a joint purchase
20 agreement pursuant to subsection (a-5) of Section 2, the State
21 may act as the lead state or as a participant state. When the
22 State of Illinois is the lead state, all such joint purchases
23 shall be conducted in accordance with the Illinois Procurement
24 Code. When the State of Illinois is the lead state, a multiple
25 award is allowed. When Illinois is a participant state, all
26 such joint purchases shall be conducted in accordance with the

1 procurement laws of the lead state; provided that all such
2 joint procurements must be by competitive solicitation
3 process. All resulting awards shall be published in the
4 appropriate volume of the Illinois Procurement Bulletin as may
5 be required by Illinois law governing ~~publication of the~~
6 ~~solicitation, protest, and~~ award of Illinois State contracts.
7 Contracts resulting from a joint purchase shall contain all
8 provisions required by Illinois law and rule.

9 The ~~personal property,~~ supplies or services involved shall
10 be distributed or rendered directly to each governmental unit
11 taking part in the purchase. The person selling the personal
12 property, supplies or services may bill each governmental unit
13 separately for its proportionate share of the cost of the
14 personal property, supplies or services purchased.

15 The credit or liability of each governmental unit shall
16 remain separate and distinct. Disputes between contractors
17 ~~bidders~~ and governmental units or qualified not-for-profit
18 agencies shall be resolved between the immediate parties.

19 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

20 (30 ILCS 525/4) (from Ch. 85, par. 1604)

21 Sec. 4. Bids, offers, and small purchases. The purchases of
22 all personal property, supplies and services under this Act,
23 except for small purchases, shall be based on competitive
24 solicitations unless, for purchases made pursuant to
25 subsection (a) of Section 2 of this Act, it is the

1 determination of the applicable chief procurement officer that
2 it is impractical to obtain competition. Purchases pursuant to
3 this Section ~~and~~ shall follow the same procedures used for
4 competitive solicitations made pursuant to the Illinois
5 Procurement Code when the State is a party to the joint
6 purchase. For purchases made pursuant to subsection (a) of
7 Section 2 of this Act where the applicable chief procurement
8 officer makes the determination that it is impractical to
9 obtain competition, purchases shall either follow the same
10 procedure used for sole source procurements in Section 20-25 of
11 the Illinois Procurement Code or the same procedure used for
12 emergency purchases in Section 20-30 of the Illinois
13 Procurement Code. For purchases pursuant to subsection (a) of
14 Section 2, bids and offers shall be solicited by public notice
15 inserted at least once in a newspaper of general circulation in
16 one of the counties where the materials are to be used and at
17 least 5 calendar days before the final date of submitting bids
18 or offers, except as otherwise provided in this Section. Where
19 the State of Illinois is a party to the joint purchase
20 agreement, public notice soliciting the bids or offers shall be
21 published in the appropriate volume of the Illinois Procurement
22 Bulletin. Such notice shall include a general description of
23 the ~~personal property,~~ supplies or services to be purchased and
24 shall state where ~~all blanks and~~ specifications may be obtained
25 and the time and place for the opening of bids and offers. The
26 governmental unit conducting the competitive procurement

1 process may also solicit sealed bids or offers by sending
2 requests by mail to potential contractors and by posting
3 notices on a public bulletin board in its office. Small
4 purchases pursuant to this Section shall follow the same
5 procedure used for small purchases in Section 20-20 of the
6 Illinois Procurement Code.

7 All purchases, orders or contracts shall be awarded to the
8 lowest responsible bidder or highest-ranked offeror, taking
9 into consideration the qualities of the articles or services
10 supplied, their conformity with the specifications, their
11 suitability to the requirements of the participating
12 governmental units and the delivery terms.

13 Where the State of Illinois is not a party, all bids or
14 offers may be rejected and new bids or offers solicited if one
15 or more of the participating governmental units believes the
16 public interest may be served thereby. Each bid or offer, with
17 the name of the bidder or offeror, shall be entered on a
18 record, which record with the successful bid or offer,
19 indicated thereon shall, after the award of the purchase or
20 order or contract, be open to public inspection. A copy of all
21 contracts shall be filed with the purchasing office or clerk or
22 secretary of each participating governmental unit.

23 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

24 (30 ILCS 525/4.05 new)

25 Sec. 4.05. Other methods of joint purchases.

1 (a) It may be determined that it is impractical to obtain
2 competition because either (i) there is only one
3 economically-feasible source for the item or (ii) there is a
4 threat to public health or public safety, or when immediate
5 expenditure is necessary to prevent or minimize serious
6 disruption in critical State services that affect health,
7 safety, or collection of substantial State revenues, or to
8 ensure the integrity of State records.

9 (b) When the State of Illinois is a party to the joint
10 purchase agreement, the applicable chief procurement officer
11 shall make a determination whether (i) there is only one
12 economically feasible source for the item or (ii) that there
13 exists a threat to public health or public safety or that
14 immediate expenditure is necessary to prevent or minimize
15 serious disruption in critical State services.

16 (c) When there is only one economically feasible source for
17 the item, the chief procurement officer may authorize a sole
18 economically-feasible source contract. When there exists a
19 threat to public health or public safety or when immediate
20 expenditure is necessary to prevent or minimize serious
21 disruption in critical State services, the chief procurement
22 officer may authorize an emergency procurement without
23 competitive sealed bidding or competitive sealed proposals or
24 prior notice.

25 (d) All joint purchases made pursuant to this Section shall
26 follow the same procedures for sole source contracts in the

1 Illinois Procurement Code when the chief procurement officer
2 determines there is only one economically-feasible source for
3 the item. All joint purchases made pursuant to this Section
4 shall follow the same procedures for emergency purchases in the
5 Illinois Procurement Code when the chief procurement officer
6 determines immediate expenditure is necessary to prevent or
7 minimize serious disruption in critical State services that
8 affect health, safety, or collection of substantial State
9 revenues, or to ensure the integrity of State records.

10 (e) Each chief procurement officer shall submit to the
11 General Assembly by November 1 of each year a report of
12 procurements made under this Section.

13 (30 ILCS 525/4.2) (from Ch. 85, par. 1604.2)

14 Sec. 4.2. Any governmental unit may, without violating any
15 bidding requirement otherwise applicable to it, procure
16 ~~personal property,~~ supplies and services under any contract let
17 by the State pursuant to lawful procurement procedures.
18 Purchases made by the State of Illinois must be approved or
19 authorized by the appropriate chief procurement officer.

20 (Source: P.A. 97-895, eff. 8-3-12.)

21 Section 26. The State Prompt Payment Act is amended by
22 changing Section 7 as follows:

23 (30 ILCS 540/7) (from Ch. 127, par. 132.407)

1 Sec. 7. Payments to subcontractors and material suppliers.

2 (a) When a State official or agency responsible for
3 administering a contract submits a voucher to the Comptroller
4 for payment to a contractor, that State official or agency
5 shall promptly make available electronically the voucher
6 number, the date of the voucher, and the amount of the voucher.
7 The State official or agency responsible for administering the
8 contract shall provide subcontractors and material suppliers,
9 known to the State official or agency, with instructions on how
10 to access the electronic information.

11 (a-5) When a contractor receives any payment, the
12 contractor shall pay each subcontractor and material supplier
13 in proportion to the work completed by each subcontractor and
14 material supplier its ~~their~~ application or pay estimate, plus
15 interest received under this Act, ~~less any retention~~. When a
16 contractor receives any payment, the contractor shall pay each
17 lower-tiered subcontractor and material supplier and each
18 subcontractor and material supplier shall make payment to its
19 own respective subcontractors and material suppliers. If the
20 contractor receives less than the full payment due under the
21 public construction contract, the contractor shall be
22 obligated to disburse on a pro rata basis those funds received,
23 plus interest received under this Act, with the contractor,
24 subcontractors and material suppliers each receiving a
25 prorated portion based on the amount of payment each has
26 earned. When, however, the State official or agency ~~public~~

1 ~~owner~~ does not release the full payment due under the contract
2 because there are specific areas of work or materials the State
3 agency or official has determined ~~contractor is rejecting or~~
4 ~~because the contractor has otherwise determined~~ such areas are
5 not suitable for payment, then those specific subcontractors or
6 material suppliers involved shall not be paid for that portion
7 of work rejected or deemed not suitable for payment and all
8 other subcontractors and suppliers shall be paid based upon the
9 amount of payment each has earned ~~in full~~, plus interest
10 received under this Act.

11 (a-10) For construction contracts with the Department of
12 Transportation, the contractor, subcontractor, or material
13 supplier, regardless of tier, shall not offset, decrease, or
14 diminish payment or payments that are due to its subcontractors
15 or material suppliers without reasonable cause.

16 A contractor, who refuses to make prompt payment, in whole
17 or in part, shall provide to the subcontractor or material
18 supplier and the public owner or its agent, a written notice of
19 that refusal. The written notice shall be made by a contractor
20 no later than 5 calendar days after payment is received by the
21 contractor. The written notice shall identify the Department of
22 Transportation's contract, any subcontract or material
23 purchase agreement, a detailed reason for refusal, the value of
24 the payment to be withheld, and the specific remedial actions
25 required of the subcontractor or material supplier so that
26 payment may be made. Written notice of refusal may be given in

1 a form and method which is acceptable to the parties and public
2 owner.

3 (b) If the contractor, without reasonable cause, fails to
4 make full payment of amounts due under subsection (a) to its
5 ~~his~~ subcontractors and material suppliers within 15 calendar
6 days after receipt of payment from the State official or agency
7 ~~under the public construction contract~~, the contractor shall
8 pay to its ~~his~~ subcontractors and material suppliers, in
9 addition to the payment due them, interest in the amount of 2%
10 per month, calculated from the expiration of the 15-day period
11 until fully paid. This subsection shall further ~~also~~ apply to
12 any payments made by subcontractors and material suppliers to
13 their subcontractors and material suppliers and to all payments
14 made to lower tier subcontractors and material suppliers
15 throughout the contracting chain.

16 (1) If a contractor, without reasonable cause, fails to
17 make payment in full as provided in subsection (a-5) ~~(a)~~
18 within 15 calendar days after receipt of payment under the
19 public construction contract, any subcontractor or
20 material supplier to whom payments are owed may file a
21 written notice and request for administrative hearing with
22 the State official or agency setting forth the amount owed
23 by the contractor and the contractor's failure to timely
24 pay the amount owed. The written notice and request for
25 administrative hearing shall identify the public
26 construction contract, the contractor, and the amount

1 owed, and shall contain a sworn statement or attestation to
2 verify the accuracy of the notice. The notice and request
3 for administrative hearing shall be filed with the State
4 official for the public construction contract, with a copy
5 of the notice concurrently provided to the contractor.
6 Notice to the State official may be made by certified or
7 registered mail, messenger service, or personal service,
8 and must include proof of delivery to the State official.

9 (2) The State official or agency, within 15 calendar
10 days after receipt of a subcontractor's or material
11 supplier's written notice and request for administrative
12 hearing ~~of the failure to receive payment from the~~
13 ~~contractor,~~ shall hold a hearing convened by an
14 administrative law judge to determine whether the
15 contractor withheld payment, without reasonable cause,
16 from the subcontractors or and material suppliers and what
17 amount, if any, is due to the subcontractors or and
18 material suppliers, and the reasonable cause or causes
19 asserted by the contractor. The State official or agency
20 shall provide appropriate notice to the parties of the
21 date, time, and location of the hearing. Each contractor,
22 subcontractor, or and material supplier has the right to be
23 represented by counsel at a ~~the~~ hearing and to
24 cross-examine witnesses and challenge documents. Upon the
25 request of the subcontractor or material supplier and a
26 showing of good cause, reasonable continuances may be

1 granted by the administrative law judge.

2 (3) Upon ~~If there is~~ a finding by the administrative
3 law judge that the contractor failed to make payment in
4 full, without reasonable cause, as provided in subsection
5 (a-10) (a), then the administrative law judge shall, in
6 writing, order ~~direct~~ the contractor to pay the amount owed
7 to the subcontractors or ~~and~~ material suppliers plus
8 interest within 15 calendar days after the order ~~finding~~.

9 (4) If a contractor fails to make full payment as
10 ordered under paragraph (3) of this subsection (b) within
11 15 days after the administrative law judge's order ~~finding~~,
12 then the contractor shall be barred from entering into a
13 State public construction contract for a period of one year
14 beginning on the date of the administrative law judge's
15 order ~~finding~~.

16 (5) If, on 2 or more occasions within a 3-calendar-year
17 period, there is a finding by an administrative law judge
18 that the contractor failed to make payment in full, without
19 reasonable cause, and a written order was issued to a
20 contractor under paragraph (3) of this subsection (b), then
21 the contractor shall be barred from entering into a State
22 public construction contract for a period of 6 months
23 beginning on the date of the administrative law judge's
24 second written order, even if the payments required under
25 the orders were made in full.

26 (6) If a contractor fails to make full payment as

1 ordered under paragraph (4) of this subsection (b), the
2 subcontractor or material supplier may, within 30 days of
3 the date of that order, petition the State agency for an
4 order for reasonable attorney's fees and costs incurred in
5 the prosecution of the action under this subsection (b).
6 Upon that petition and taking of additional evidence, as
7 may be required, the administrative law judge may issue a
8 supplemental order directing the contractor to pay those
9 reasonable attorney's fees and costs.

10 (7) The written order of the administrative law judge
11 shall be final and appealable under the Administrative
12 Review Law.

13 (c) This Section shall not be construed to in any manner
14 diminish, negate, or interfere with the
15 contractor-subcontractor or contractor-material supplier
16 relationship or commercially useful function.

17 (d) This Section shall not preclude, bar, or stay the
18 rights, remedies, and defenses available to the parties by way
19 of the operation of their contract, purchase agreement, the
20 Mechanics Lien Act, or the Public Construction Bond Act.

21 (e) State officials and agencies may adopt rules as may be
22 deemed necessary in order to establish the formal procedures
23 required under this Section.

24 (f) As used in this Section:

25 "Payment" means the discharge of an obligation in money or
26 other valuable consideration or thing delivered in full or

1 partial satisfaction of an obligation to pay. "Payment" shall
2 include interest paid pursuant to this Act.

3 "Reasonable cause" may include, but is not limited to,
4 unsatisfactory workmanship or materials; failure to provide
5 documentation required by the contract, subcontract, or
6 material purchase agreement; claims made against the
7 Department of Transportation or the subcontractor pursuant to
8 subsection (c) of Section 23 of the Mechanics Lien Act or the
9 Public Construction Bond Act; judgments, levies, garnishments,
10 or other court-ordered assessments or offsets in favor of the
11 Department of Transportation or other State agency entered
12 against a subcontractor or material supplier. "Reasonable
13 cause" does not include payments issued to the contractor that
14 create a negative or reduced valuation pay application or pay
15 estimate due to a reduction of contract quantities or work not
16 performed or provided by the subcontractor or material
17 supplier; the interception or withholding of funds for reasons
18 not related to the subcontractor's or material supplier's work
19 on the contract; anticipated claims or assessments of third
20 parties not a party related to the contract or subcontract;
21 asserted claims or assessments of third parties that are not
22 authorized by court order, administrative tribunal, or
23 statute. "Reasonable cause" further does not include the
24 withholding, offset, or reduction of payment, in whole or in
25 part, due to the assessment of liquidated damages or penalties
26 assessed by the Department of Transportation against the

1 contractor, unless the subcontractor's performance or supplied
2 materials were the sole and proximate cause of the liquidated
3 damage or penalty.

4 (Source: P.A. 94-672, eff. 1-1-06; 94-972, eff. 7-1-07.)

5 Section 27. The Business Enterprise for Minorities,
6 Females, and Persons with Disabilities Act is amended by adding
7 Section 8g as follows:

8 (30 ILCS 575/8g new)

9 Sec. 8g. Special Committee on Minority, Female, Persons
10 with Disabilities, and Veterans Contracting.

11 (a) There is created a Special Committee on Minority,
12 Female, Persons with Disabilities, and Veterans Contracting
13 under the Council. The Special Committee shall review Illinois'
14 procurement laws regarding contracting with minority-owned
15 businesses, female-owned businesses, businesses owned by
16 persons with disabilities, and veteran-owned businesses to
17 determine what changes should be made to increase participation
18 of these businesses in State procurements.

19 (b) The Special Committee shall consist of the following
20 members:

21 (1) 3 persons each to be appointed by the Speaker of
22 the House of Representatives, the Minority Leader of the
23 House of Representatives, the President of the Senate, and
24 the Minority Leader of the Senate; only one Special

1 Committee member of each appointee under this paragraph may
2 be a current member of the General Assembly;

3 (2) the Director of Central Management Services, or his
4 or her designee;

5 (3) the chairperson of the Council, or his or her
6 designee; and

7 (4) each chief procurement officer.

8 (c) The Special Committee shall conduct at least 3
9 hearings, with at least one hearing in Springfield and one in
10 Chicago. Each hearing shall be open to the public and notice of
11 the hearings shall be posted on the websites of the Procurement
12 Policy Board, the Department of Central Management Services,
13 and the General Assembly at least 6 days prior to the hearing.

14 Section 30. The Illinois Human Rights Act is amended by
15 changing Section 2-101 as follows:

16 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

17 Sec. 2-101. Definitions. The following definitions are
18 applicable strictly in the context of this Article.

19 (A) Employee.

20 (1) "Employee" includes:

21 (a) Any individual performing services for
22 remuneration within this State for an employer;

23 (b) An apprentice;

24 (c) An applicant for any apprenticeship.

1 For purposes of subsection (D) of Section 2-102 of this
2 Act, "employee" also includes an unpaid intern. An unpaid
3 intern is a person who performs work for an employer under
4 the following circumstances:

5 (i) the employer is not committed to hiring the
6 person performing the work at the conclusion of the
7 intern's tenure;

8 (ii) the employer and the person performing the
9 work agree that the person is not entitled to wages for
10 the work performed; and

11 (iii) the work performed:

12 (I) supplements training given in an
13 educational environment that may enhance the
14 employability of the intern;

15 (II) provides experience for the benefit of
16 the person performing the work;

17 (III) does not displace regular employees;

18 (IV) is performed under the close supervision
19 of existing staff; and

20 (V) provides no immediate advantage to the
21 employer providing the training and may
22 occasionally impede the operations of the
23 employer.

24 (2) "Employee" does not include:

25 (a) (Blank);

26 (b) Individuals employed by persons who are not

1 "employers" as defined by this Act;

2 (c) Elected public officials or the members of
3 their immediate personal staffs;

4 (d) Principal administrative officers of the State
5 or of any political subdivision, municipal corporation
6 or other governmental unit or agency;

7 (e) A person in a vocational rehabilitation
8 facility certified under federal law who has been
9 designated an evaluatee, trainee, or work activity
10 client.

11 (B) Employer.

12 (1) "Employer" includes:

13 (a) Any person employing 15 or more employees
14 within Illinois during 20 or more calendar weeks within
15 the calendar year of or preceding the alleged
16 violation;

17 (b) Any person employing one or more employees when
18 a complainant alleges civil rights violation due to
19 unlawful discrimination based upon his or her physical
20 or mental disability unrelated to ability, pregnancy,
21 or sexual harassment;

22 (c) The State and any political subdivision,
23 municipal corporation or other governmental unit or
24 agency, without regard to the number of employees;

25 (d) Any party to a public contract without regard
26 to the number of employees;

1 (e) A joint apprenticeship or training committee
2 without regard to the number of employees.

3 (2) "Employer" does not include any religious
4 corporation, association, educational institution,
5 society, or non-profit nursing institution conducted by
6 and for those who rely upon treatment by prayer through
7 spiritual means in accordance with the tenets of a
8 recognized church or religious denomination with respect
9 to the employment of individuals of a particular religion
10 to perform work connected with the carrying on by such
11 corporation, association, educational institution, society
12 or non-profit nursing institution of its activities.

13 (C) Employment Agency. "Employment Agency" includes both
14 public and private employment agencies and any person, labor
15 organization, or labor union having a hiring hall or hiring
16 office regularly undertaking, with or without compensation, to
17 procure opportunities to work, or to procure, recruit, refer or
18 place employees.

19 (D) Labor Organization. "Labor Organization" includes any
20 organization, labor union, craft union, or any voluntary
21 unincorporated association designed to further the cause of the
22 rights of union labor which is constituted for the purpose, in
23 whole or in part, of collective bargaining or of dealing with
24 employers concerning grievances, terms or conditions of
25 employment, or apprenticeships or applications for
26 apprenticeships, or of other mutual aid or protection in

1 connection with employment, including apprenticeships or
2 applications for apprenticeships.

3 (E) Sexual Harassment. "Sexual harassment" means any
4 unwelcome sexual advances or requests for sexual favors or any
5 conduct of a sexual nature when (1) submission to such conduct
6 is made either explicitly or implicitly a term or condition of
7 an individual's employment, (2) submission to or rejection of
8 such conduct by an individual is used as the basis for
9 employment decisions affecting such individual, or (3) such
10 conduct has the purpose or effect of substantially interfering
11 with an individual's work performance or creating an
12 intimidating, hostile or offensive working environment.

13 (F) Religion. "Religion" with respect to employers
14 includes all aspects of religious observance and practice, as
15 well as belief, unless an employer demonstrates that he is
16 unable to reasonably accommodate an employee's or prospective
17 employee's religious observance or practice without undue
18 hardship on the conduct of the employer's business.

19 (G) Public Employer. "Public employer" means the State, an
20 agency or department thereof, unit of local government, school
21 district, instrumentality or political subdivision.

22 (H) Public Employee. "Public employee" means an employee of
23 the State, agency or department thereof, unit of local
24 government, school district, instrumentality or political
25 subdivision. "Public employee" does not include public
26 officers or employees of the General Assembly or agencies

1 thereof.

2 (I) Public Officer. "Public officer" means a person who is
3 elected to office pursuant to the Constitution or a statute or
4 ordinance, or who is appointed to an office which is
5 established, and the qualifications and duties of which are
6 prescribed, by the Constitution or a statute or ordinance, to
7 discharge a public duty for the State, agency or department
8 thereof, unit of local government, school district,
9 instrumentality or political subdivision.

10 (J) Eligible Bidder. "Eligible bidder" means a person who,
11 prior to contract award or prior to bid opening for State
12 contracts for construction or construction-related services ~~a~~
13 ~~bid opening~~, has filed with the Department a properly
14 completed, sworn and currently valid employer report form,
15 pursuant to the Department's regulations. The provisions of
16 this Article relating to eligible bidders apply only to bids on
17 contracts with the State and its departments, agencies, boards,
18 and commissions, and the provisions do not apply to bids on
19 contracts with units of local government or school districts.

20 (K) Citizenship Status. "Citizenship status" means the
21 status of being:

- 22 (1) a born U.S. citizen;
- 23 (2) a naturalized U.S. citizen;
- 24 (3) a U.S. national; or
- 25 (4) a person born outside the United States and not a
26 U.S. citizen who is not an unauthorized alien and who is

1 protected from discrimination under the provisions of
2 Section 1324b of Title 8 of the United States Code, as now
3 or hereafter amended.

4 (Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15;
5 99-78, eff. 7-20-15; 99-758, eff. 1-1-17.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.